

Field Training Officer – Clerical Training Program



U.S. Probation and Pretrial Services Office
Western District of North Carolina

PREFACE

The Field Training Officer and Clerical Training Program was developed in 2014 by the Succession Planning Committee in the Western District of North Carolina. Over the course of several months, the committee researched and ultimately constructed a program to aid the District in staff development through proper training.

This training guide provides an overview of the program and a listing of basic responsibilities, tasks, and procedures for each division. The documents in this training guide will be updated regularly when changes to policies or procedures occur.

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Purpose

The purpose of the Field Training Officer and Clerical Training Program (FTO-CT) is to provide the trainee (*new hire or transferee*) with formal on-the-job training specific to day-to-day duties and needs, as well as providing training on district policies and procedures. The program is intended to afford the trainee with instruction, direct supervision, mentorship, guidance and experience so the trainee may develop good judgment and efficiency to adequately perform their core duties. The trainee will be assigned a Field Training Officer (FTO) or Clerical Trainer (CT), depending on work assignment, who will be responsible for explaining the training topic/function, coaching the trainee, and ensuring the knowledge is learned. Some of the topics/functions will not require performance, only understanding, by the trainee. While the training provides an extensive list of topics/functions and tasks to assist the trainee with learning day-to-day duties, it should not be considered an exhaustive list of duties and responsibilities.

Goals

The FTO-CT program is designed to achieve the following goals:

- To provide standardized district training to new hires and transferees.
- To identify remedial training needs in areas where deficiencies are discovered.
- To train a USPO or clerk to work independently on assignments in a skillful, motivated, productive and professional manner.

Program Specifications

The FTO-CT program will have a significant impact on the trainee in terms of imprinting attitudes, styles, values and ethics that will remain throughout a career. Therefore, success of the program is largely dependent on selection of qualified trainers. The trainer is a coach, instructor, documenter, evaluator, and key to the program.

- Trainers should be selected based on their accessibility, knowledge and skills, job performance and training ability.
- Trainers should possess effective communication skills and display behavior that is consistent with the Judicial Employees' Code of Conduct and the district's philosophy.
- Trainers should be leaders and role models, not only for the trainee, but also for the district.
- Trainers should be reassuring, understanding, helpful and patient.
- Trainers should be able to effectively communicate any trainee deficiencies to the SUSPO.

Following an application process, the FTO will be selected by the CUSPO and DCUSPOs in conjunction with the SUSPO. The Clerical Training program will be performed by the designated Administrative Support Specialists. The Program Development Specialist will provide an orientation to all trainers, outlining the duties and responsibilities of their position.

Since demands of duties vary across divisions, different training material formats are appropriate. Some topics/functions or tasks are knowledge-based and will require understanding by the trainee and/or specific training materials; therefore, a detailed FTO checklist with an acknowledgement section will be appropriate. Other topics/functions or tasks are skill-based and will require demonstration by the FTO-CT and practice by the trainee; therefore, a task sheet used in conjunction with an FTO checklist will be appropriate.

Length of Program and Trainer/Trainee Caseload Responsibilities

Following a SUSPO and safety orientation, the trainee will be assigned to an FTO or CT for a minimum of 30 training days and a maximum of 180 training days. All FTO-CT training documents will be maintained by the FTO during the training period. All forms shall be completed and submitted in a timely manner. Because each division is unique regarding its functions, the following considerations are appropriate for trainees:

- Trainees assigned to the supervision unit will not receive a caseload during the first 30 days of the FTO-CT program. During this time period, the trainee will shadow the FTO and observe all duties. After 30 days, the FTO will observe and evaluate the trainee while the trainee is practicing the FTO's duty requirements.
- Trainees assigned to the presentence unit will receive a maximum of five (5) PSR assignments during the first 30 days of the FTO-CT program.
- Trainees assigned to the pretrial court unit will not receive any assignments during the first two weeks.

With the expectation that FTOs will be training officers on a continuous daily basis during the first 30 days, the following considerations are appropriate:

- Supervision – No new cases assigned to the FTO during the training period not to exceed 90 days when possible. The FTO will temporarily be taken out of collateral rotation when possible.
- Presentence – Reduction in number of PSI reports required per year not to exceed four (4) reports for U.S. Probation Officer and two (2) reports for Sentencing Guidelines Specialist. The FTO will temporarily be taken out of collateral rotation when possible
- Temporary promotion with a three percent (3%) pay increase for a period of 90 days.

Responsibilities of the Field Training Officer or Clerical Trainer

- Conduct an initial meeting with trainee to explain the FTO program and policy.
- Explain and/or demonstrate operational procedures and existing policy on all training topics/functions while affording the trainee the fullest opportunity to learn.
- Observe and evaluate the trainee's performance during the training period.
- Complete and submit a weekly progress report to the SUSPO advising of the trainee's progress.
- Review all topics/functions and/or task sheets with the trainee and obtain signatures following completion.
- Maintain the original FTO checklist and task sheets for documentation purposes.
- Provide trainee with an evaluation form at the end of the program (to be completed and submitted to SUSPO).

Responsibilities of the Trainee

- Be open to learning day-to-day duties as well as policy and procedures.
- Ask questions if a topic, function or task is unclear.
- Complete an evaluation at the end of the training program that addresses the trainee's comfort level in completing core duties, additional training needs, program suggestions, or other comments.

Responsibilities of the SUSPO

- Notify the FTO-CT of trainee assignment.
- Conduct a training preparation meeting with FTO.
- Spend one (1) day in court and/or ride in the field with FTO and trainee.
- Conduct biweekly meetings with the FTO-CT to discuss the trainee's progress.
- Conduct biweekly meetings with the trainee to discuss progress.
- Verify receipt of all documents (FTO checklist, task sheets, weekly progress reports, and evaluation form) at end of program, and forward all documents to Human Resources for placement in personnel file.

Policy Revision and Maintenance of Program Documents

- The Succession Planning Committee is responsible for updating FTO-CT program policy, FTO program flow chart, and training documents.
- The FTO-CT or SUSPO will notify the Program Development Specialist of any needed updates to policy and/or training documents.
- All FTO-CT documents are stored and maintained on the USPO Training webpage.

FTO PROGRAM FLOW CHART

NOTIFICATION OF NEW HIRE/TRANSFEREE START DATE

- Notice of available FTO position. Applications submitted by staff.
- CUSPO and DCUSPOs, in conjunction with the SUSPO, selects FTO.
- CUSPO/DCUSPOs/SUSPO notify Program Development Specialist (PDS) of FTO selection.
- PDS provides orientation to FTO outlining the duties and responsibilities
- Training preparation meeting between SUSPO and FTO



FTO TRAINING PERIOD

- FTO maintains original FTO checklist and task sheets
- FTO submits weekly progress reports to SUSPO
- SUSPO and FTO meet biweekly to discuss trainee progress
- SUSPO and trainee meet biweekly to discuss progress



FTO PROGRAM COMPLETION

- FTO gives evaluation form to trainee for completion
- FTO submits completed FTO checklist and task sheets to SUSPO
- Trainee submits completed evaluation form to SUSPO
- SUSPO compiles FTO checklist, task sheets, weekly progress reports and evaluation form and forwards all documents to Human Resources for personnel file. SUSPO cc's CUSPO and DCUSPOs on email.

WEEKLY PROGRESS REPORT

Trainee Name:	
Training Officer/Designee:	
Dates of Training Week:	
Items Covered During Training Week:	
(List the topics/functions covered as well as any task sheets completed during the week.)	
Comments:	
(Provide comments on the trainee's progress relating to the above items.)	
Additional Needs Identified:	
(List any additional training needs that would be helpful to the trainee's development as well as any topic/function needs of the program.)	

TRAINEE'S EVALUATION
OF FIELD TRAINING OFFICER PROGRAM

Name of Trainee	Name of Field Training Officer	Date

1. Were all topics/functions and task sheets (if applicable) listed on the checklist covered and explained adequately?
2. What were the strengths of the FTO Program?
3. Identify improvements that can be made to the FTO Program.
4. Identify areas where you feel more training would be beneficial.
5. Additional comments and/or suggestions regarding the FTO Program:

Signature of Trainee	Date

Please submit to Program Development Specialist upon completion.

Pretrial Court FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
1	Confidentiality * See Task Sheet – Confidentiality*	District Pretrial Manual, Section 1.3					
2	Interview * See Task Sheets – 1) Intake/ Court Services Officer, 2) Investigation, 3) Pretrial Risk Assessment* <ul style="list-style-type: none"> Review each interview form and process for interviewing <ul style="list-style-type: none"> Notice to Defendant (PS1) <ul style="list-style-type: none"> Financial Affidavit (CJA 23) Release of Information (PROB11G) PS2 Worksheet PTRA 	District Pretrial Manual, Sections 2.1 (Interview) and 2.10 (PTRA)					*PS2 – Remind officer to complete coding on interview worksheet
3	PACTS Case Activation Procedures	District Pretrial Manual, Section 4.1					
4	Criminal Record Check <ul style="list-style-type: none"> Provide overview of running the CRCs (Atlas, AOC, CJLEADS, DMV, IAQ immigration checks) Review CJIS policy in detail 						*Make sure enough information is added in PACTS under Client Personal Data (demographics) so Clerk can run record check. After information is entered in PACTS by interviewing officer, a request is made by email for the clerk to run record check.
5	Chronos in PACTS * See Task Sheet – Chronological Records* <ul style="list-style-type: none"> Review how to enter chromos and the importance of entering chronos 						

Pretrial Court FTO Checklist

6	Interviewing Procedures <ul style="list-style-type: none"> • Arrests • Summons • Writs • Review importance of verifying information collected during the interview • Officer preparing pretrial report enter as an investigation in PACTS 	District Pretrial Manual, Sections 2.2 (procedures, arrests, summons); 2.3 (arrests, summons), and 2.4 (Writs)					
7	Bail Reports <ul style="list-style-type: none"> • Review types of Bail Reports <ul style="list-style-type: none"> ○ Modified ○ Abbreviated ○ Full ○ Addendums 	District Pretrial Manual, Section 2.4					
8	Pretrial Report in PSX and WORD * See Task Sheet – PSX Bail Reports* <ul style="list-style-type: none"> • Review preparation of report in PSX and WORD • SuperQ 						*Stress importance of officer reviewing and making appropriate corrections to the report, both in PSX and WORD as appropriate.
9	Disclosure of Pretrial Report * See Task Sheet – Disclosure* <ul style="list-style-type: none"> • Provide both attorneys and judge with a copy of the report (provide color copy to judge) • Retrieve reports after hearing 						
10	Bond * See Task Sheets – 1) Bonds and 2) Bond Violations* <ul style="list-style-type: none"> • Review types of bonds • Bond Violations 	District Pretrial Manual, Section 2.5					

Pretrial Court FTO Checklist

11	Third Party Custodian <ul style="list-style-type: none"> Record check on potential custodian Interview custodian 	District Pretrial Manual, Section 2.5					
12	Removal Proceedings <ul style="list-style-type: none"> Rule 5 Rule 20 	District Pretrial Manual, Section 2.6					
13	Courtesy Supervision <ul style="list-style-type: none"> Courtesy In cases Courtesy Out cases 	District Pretrial Manual, Section 2.7					
14	Dual Pretrial/Post Conviction Supervision Cases	District Pretrial Manual, Section 2.8					
15	Administrative Supervision * See Task Sheets – 1) Initial Case Plans and Reviews, 2) Supervision of Federal Defendants, 3) Supervision Strategies, and 4) Case Termination*	District Pretrial Manual, Section 2.9					
16	Pretrial Diversion * See Task Sheet – Pretrial Diversion*	District Pretrial Manual, Section 2.10					
17	Chapter 5 (Clerical Section)	District Pretrial Manual, Section 5					*Ask assigned clerk to review clerical portion of pretrial manual with officer

TASK: CONFIDENTIALITY

POLICY

**National Policy: Guide to Judiciary Policy, Volume 8 Chapter 5 (J-Net)
District Pretrial Services Manual: Section 1.3**

STATUTORY PROVISIONS: The Director of the Administrative Office of the United States Courts is authorized to issue regulations governing the release of information made confidential by Section 3153(c)(1) of Title 18, United States Code, enacted by the Pretrial Service Act of 1982. Section 3153(c)(1) provides as follows: "Except as provided in paragraph (2) of this subsection, information obtained in the course of performing Pretrial Services functions in relation to a particular accused shall be used only for the purposes of bail determination and shall otherwise be confidential. Each Pretrial Services report shall be made available to the attorney for the accused and the attorney for the Government."

OBJECTIVE: Confidentiality of Pretrial Services information is preserved primarily to promote a candid and truthful relationship between the defendant and the Pretrial Services officer in order to obtain the most complete and accurate information possible for the Judicial Officer. Disclosure of Pretrial Services information for purposes other than determination of pretrial release, particularly for prosecution purposes, would deter defendants from cooperation with Pretrial Services officers and deprive the Court of necessary information.

The Pretrial Services report and other related information obtained during the pretrial investigation and/or pretrial supervision shall not be released to any department, government agency or anyone else unless authorized by the judicial official, CUSPO or officer as outlined in **Exhibit 1.3(a)**. If the chief's authorization is required, the officer shall submit a written request to the chief, with a copy to the supervisor, noting the defendant's name, the requesting agency, the circumstances surrounding the request and any other pertinent information. The request, with the chief's approval, will be placed in the electronic case file. To release such information places the Pretrial Services officer in a highly volatile position and could be damaging if this policy is not followed.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: INTAKE/COURT SERVICES OFFICER

POLICY

National Policy: Guide to Judiciary Policy, Volume 8 Chapter (J-Net) District Pretrial Services Manual: 2.3

TACTICS/PROCEDURE

OVERVIEW:

Pretrial Services court officers are located in Asheville and Charlotte, and supervision officers throughout the district provide supervision for pretrial defendants.

ARRESTS: Defendants who are arrested will be interviewed by the office located where the defendant appears for the initial appearance, regardless if they are subsequently released or detained. Upon the arrest and arrival of the defendant, the Pretrial Services officer will conduct an initial interview, if agreed to by the defendant and/or counsel.

If the interview was **not** conducted prior to the initial appearance and the arrested defendant is released on bail with pretrial supervision, the Pretrial Services officer will interview the defendant and prepare an **Abbreviated** Pretrial Services Report (*Post-Bail*). If the arrested defendant is ordered detained at the initial appearance, the Pretrial officer will interview, investigate, and present a Pretrial Services Report (*Pre-Bail*), with a recommendation, at the detention hearing. A detention hearing will occur within 3 business days (or 5 business days if motioned by the defense attorney), unless the defendant appears on a writ detaining longer than 90 days or the hearing is otherwise postponed.

If the defendant is detained at the initial appearance, the court officer is responsible for completing the PACTS worksheet (PS2), the PTRS and the bail report. If the defendant is released at the initial appearance, the court officer will conduct the initial interview.

If the defendant is released at the initial appearance and they reside within the district in an area other than where they appeared in court, the defendant should be interviewed before they leave and be given reporting instructions.

The interviewing officer will notify the designated SUSPO that a defendant has been released on bond. The SUSPO will assign the case to a supervising officer and will notify the interviewing officer the PS2 should be scanned and emailed to the supervising officer. The interviewing officer will scan and email a copy of the PS2 to the supervising officer and inform them via email they have received a new case. The clerk for the interviewing officer will then scan and upload in **.pdf** format all required documents in PACTS PDIM.

SUMMONS: Pretrial officers will prepare a written Pretrial Services Report, **Abbreviated** Version on all summons/self-surrender cases prior to their initial appearance before the

Court, with the exception of petty cases (no report is necessary unless requested by the Court). Since the U.S. probation office receives notification that a defendant will be appearing before the Court on a summons, the officer will generally have ample time to contact the defendant and make arrangements for an interview, and prepare the report prior to the initial appearance. If the defendant has an attorney, the attorney should also be contacted concerning arrangements to interview the defendant.

WRITS: No interview nor bail report is necessary if a defendant's appearance in court is pursuant to a Writ of Habeas Corpus and it has been determined the defendant is serving a sentence and is not eligible for release within 90 days of arrest for the instant offense. The officer's investigation should be limited to an automated record check to verify length of sentence and/or release eligibility.

(WORKING DOCUMENTS NEEDED: PS2 worksheet, Prob 11G, Notice to Defendant)

- ▶ Create PACTS # if needed (Enter court name and all available info in Client Personal Data)

NOTE: Make sure to search PACTS by court name, FBI #, SS#, DOB to avoid creating duplicate PACTS #'s

- ▶ Enter Initial Appearance and Detention hearing chronos (*if you are Court Officer*)
- ▶ Interview client (*chrono same*)
- ▶ Enter a Pretrial Services Investigation Type into PACTS (*PTS Investigation or PTS Modified Investigation*)
- ▶ Upon completion of interview, enter the following data into PACTS:

SS#

Address/Phone #

Demographics

Employment

- ▶ Request a criminal history records check from your clerk via email:
Denote PACTS # and type of report. (i.e, Detention Hearing or Post)
- ▶ Request out-of-district Collateral investigations, if applicable.
- ▶ Create in PSX and merge with Word to complete report.
- ▶ Complete PS2 Worksheet for Pretrial Services Report coding.
- ▶ Complete and enter PTRAs in PACTS.
- ▶ Place completed file on PSA Mag Court counter. (*Charlotte office only*)
- ▶ Finalize report and submit to clerk w/in 4 working days.
- ▶ Forward all files to Cheryl Banks or SUSPO for assignment. (*Charlotte office only*)

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: INVESTIGATION

POLICY

**National Policy: Guide to Judiciary Policy, Volume 8: Part A: Pretrial Services
Investigation Chapters 2: Interview and 3: Investigation (J-Net)
District Pretrial Services Manual: 2.1**

OVERVIEW: While a defendant interview is the primary source for information relevant to the issue of pretrial release, it is not the sole source. The officer conducts an investigation, verifies information, and provides a report to the court regardless of the defendant's participation in the process. The officer contacts relatives, friends, and employers, uses automated databases (e.g., credit companies and law enforcement), and searches the wide variety of databases available through the Internet for information about the defendant. Some sources of information may require a signed release form before providing information about the defendant's employment; education; medical, psychological, psychiatric, or substance abuse history and/or treatment; and finances.

Because of the presumption of innocence, officers use professional discretion and sound judgment when contacting information and verification sources. Officers use the least intrusive means necessary to obtain adequate and reliable information for assessing a defendant's risks of nonappearance and danger. However, officers do not misrepresent their identity when contacting information sources (e.g., officers do not represent themselves as creditors conducting credit checks).

The defendant's consent is not legally required to conduct the pretrial services investigation. The defendant may ask that certain individuals not be contacted. The officer determines whether contact with these individuals is necessary to verify information or to collect additional information and assesses the relevance to the release decision or supervision activities and then considers any negative consequences. If a contact could be detrimental, the officer considers alternative information and verification sources. The officer documents the defendant's request to not contact sources and the reasons for the action.

Automated criminal histories such as NCIC (National Crime Information Center), NLETS (National Law Enforcement Telecommunications System), and other automated systems are primary sources of criminal history information. These systems, however, may not reflect the complete criminal record, e.g., disposition information. Criminal records may be unclear or use unfamiliar terms such as "Dead Docket" or "TOT" (turned over to). In these instances, the officer attempts to clarify ambiguities and obtain complete information by contacting the appropriate agency or pretrial services office. The officer considers the following when investigating the defendant's criminal history.

An initial records check of NCIC, AOC, DMV and Eastern Band of Cherokee Indians Tribal Court (if applicable) shall be conducted. CJLEADS is also available and is an additional tool for criminal record information. The arrest and conviction record is a very critical element of the Pretrial Services investigation. Each arrest entry should include the date of arrest, place of arrest, charge, court docket number, disposition and record of appearance (if available). The prior record is a major risk factor in determining whether a defendant should be released or detained and is critical to accurately completing the PTR. A.

THIRD PARTIES

- (a) When information is collected from sources such as family, employers, friends, or criminal justice agencies, the officer may be asked to disclose information about the defendant or the case. Such disclosures are governed by the confidentiality regulations. See: [Guide, Vol 8A, Ch 5 and Appx 5A](#).
- (b) When necessary, the officer may disclose to a third party the courtroom location, the date and time of hearing, and the offense for which the defendant was charged unless the case is sealed. The officer does not discuss the arrest or case information. The officer may refer requests for information to the U.S. attorney's office, defense counsel, the clerk's office, or law enforcement agencies.

TACTICS/PROCEDURE

PREPARATION FOR THE INTERVIEW: Before conducting the interview, the officer determines when the initial appearance is scheduled and gathers information about the defendant such as the offense charged and biographical data to obtain the defendant's criminal history. The Pretrial Services officer should introduce himself/herself to the defendant and explain the function of Pretrial Services and the initial appearance process.

The officer is usually the first contact a defendant has with the court. The officer's demeanor during the introduction can facilitate a successful interview or thwart the process. The officer:

- is objective in interactions with the defendant;
- ensures that the defendant understands that the officer is not an attorney; and
- clearly states that he works for the court and will ask questions to obtain information that the judicial officer will use to decide whether the defendant will be released or detained.

When possible, the officer interviews the defendant in a private area away from law enforcement officials, government attorneys, and other defendants. Privacy promotes an open and truthful exchange between the officer and the defendant. Only authorized parties, e.g., defense counsel or interpreters, should be present during the interview. Personnel from the pretrial services or probation office such as officer assistants and student interns may also be present during the interview if the defendant consents.

The officer tells the defendant that the interview is voluntary and that he may decline to answer questions without penalty. The officer informs the defendant, however, that a collateral investigation will be conducted and that release could be delayed if the judicial

officer does not have sufficient information to make a release decision. Before conducting the interview, the officer gives the defendant [Form PS 1 \(Notice to Defendant\)](#), explains its purpose and contents, and secures the defendant's signature.

Note: The notice should also be signed by the officer, with the date recorded on the appropriate line. Additionally, the defendant should indicate in the appropriate space his/her desire for an attorney to be present. If the defendant refuses an interview, the officer will sign the PS1 noting the reason for refusal.

The officer gives the defendant the option either to read the Notice to Defendant or have it read aloud by the officer. In either instance, the officer explains that:

- The purpose of the interview is to gather information for the judicial officer to determine whether to release or detain the defendant and to determine if conditions are to be imposed if the defendant is released.
- The defendant has the right to speak with an attorney before answering any questions and can have an attorney appointed if unable to afford one.
- The defendant is not obligated to answer any questions, but any answers must be truthful.
- The defendant should not discuss the alleged offense with the officer.
- The statement of false information is a separate crime and could be used to deny release before trial or increase the sentence upon conviction.
- The information provided may not be used on the issue of guilt for the alleged offense.
- The information may be used by a federal probation officer to prepare a presentence report if the defendant is convicted. The information may affect the defendant's sentence in this or another case (particularly in the areas of illegal drug use, prior criminal conduct, and assets received from criminal conduct).

If the defendant agrees to be interviewed but declines to sign the Notice to Defendant, the officer notes this on the bottom of the form and proceeds with the interview.

An investigation includes information that is verified about the defendant from collateral sources. After the Notice to Defendant is signed, the officer requests that the defendant sign release forms that authorize the disclosure of information from specific persons or organizations. While the defendant is not obligated to sign release authorizations, the officer explains that information pertinent to the release decision, such as current participation in a treatment program, cannot be disclosed without a signed authorization. The officer provides the defendant with the option to either read the forms or have the forms read aloud by the officer. In either instance, the officer explains the purpose and contents to the defendant if released at the Initial Appearance.

NOTE: For defendants detained at the Initial Appearance and awaiting the Detention Hearing, do not request a signature until the Detention Hearing where the attorney of record will be present (instead of the duty federal defender).

The most commonly used release of information forms are (Authorization to Release Information (Private Person or Organization) to Pretrial Services Officer), (Authorization to Release Confidential Information (Drug or Alcohol Abuse Programs), [and Form CJA 23](#) (Authorization to Release Financial Information to Pretrial Services Office (Bank or Financial Institution)).

If a defendant refuses to be interviewed, advise him/her the Court may have insufficient background information necessary to render an informed release decision and therefore the defendant may be temporarily detained. If, after the importance of the Pretrial Services interview is explained, the defendant still refuses to be interviewed, advise him/her the interview may be conducted at any time. Defendants who refuse to be interviewed must be told that an investigation will be conducted through collateral sources (See 2.4). **At no time should a Pretrial Services officer attempt to coerce a defendant into submitting to a Pretrial interview.**

DEFENDANT NOT INTERVIEWED

- (a) Certain situations may preclude an interview before the initial appearance. The most common are:

In addition, some courts have local policies that require that the defendant have advice of counsel before the pretrial services interview. In the latter instance or if the defendant initially declines the interview, the officer seeks assistance from defense counsel, family members, the local probation/parole office, or anyone else who may have information that will assist the court. The officer informs the defendant that the pretrial services investigation will continue even though the defendant declines to be interviewed and that the decision to decline is made part of the report to the court. **See also:** [Memorandum, May 17, 1989, Guidelines for Conducting the Pretrial Services Investigation Without the Benefit of a Defendant Interview.](#)

- (1) the defendant is detained by the arresting law enforcement agency until court time;
 - (2) the defendant is accessible but declines the interview; or
 - (3) there is insufficient time between arrest and initial appearance.
- (b) In some cases, it may be possible to make an assessment of the defendant's risk to the community and risk of nonappearance without the benefit of an interview. For example, if the defendant has been determined to be an *illegal alien*, an interview is not necessary as release is not likely. If the defendant's appearance in court is pursuant to a *Writ of Habeas Corpus* for which it has been determined that the defendant is serving a sentence and is not eligible for release within 90 days of arrest for the instance offense, or pursuant to an arrest for Unlawful Flight to Avoid Prosecution or Escape, an interview of the defendant is not required, as release is not likely.
- (c) In certain cases where the defendant is only charged with a Class A Misdemeanor, and the court has not waived the pretrial services investigation, the officer is encouraged to conduct an interview in order to make an assessment. If the defendant is charged with a crime of violence, a sexual offense, or a drug offense, or if the officer has prior knowledge

of issues that may reflect the defendant's danger to the community or risk of nonappearance, an interview is required.

- (d) If the defendant's appearance in court follows an arrest and initial appearance in another district (under [Rule 5](#)), it is not necessary to conduct an interview unless additional information is needed. If additional information is obtained, an addendum to the original report should be prepared.

INTERVIEW OBSTACLES

DEFENDANTS WHO DO NOT SPEAK ENGLISH

If no officer is available who can communicate with the defendant, the officer follows district procedures to obtain a court interpreter. The officer notes in the report that the defendant does not speak English and indicates who interpreted the interview. Law enforcement officers and prosecution attorneys are not used as interpreters. In the event an interpreter needs to be hired by our agency, the pretrial officer must choose from the list of approved contract interpreters provided on our website under District Court/Court Interpreters. The officer should first attempt to contact a "certified court interpreter." If a certified interpreter is not available, the officer may choose any other appropriate interpreter listed on our website under NCWD Internet Site/Court Interpreters. In the event you need an interpreter for a language not included on the list, contact the Budget/Procurement Specialist for assistance. An invoice provided by the interpreter and signed by the officer is to be submitted by the interpreter to the Budget/Procurement Specialist in the Chief's Office.

PHYSICAL OR EMOTIONAL IMPAIRMENT

Defendants may have physical, mental, or emotional conditions that prevent or affect the interview. If the interview is not conducted or completed, the officer notes the reason on the PS2 form and in the pretrial services report. The officer objectively describes the defendant's behavior or demeanor such as "The defendant gave incoherent responses to questions" or "The defendant was sweating and shaking and spoke incoherently." The officer avoids judgmental statements such as "The defendant appeared mentally handicapped" or "The defendant appeared to be high."

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: PRETRIAL RISK ASSESSMENT

POLICY**National Policy: Guide to Judiciary Policy, Volume 8 Chapter (J-Net)
District Pretrial Services Manual: 2.1****TACTICS/PROCEDURE:**

The [Pretrial Risk Assessment \(PTRA\)](#) is an online tool for officers, which serves as an objective, quantifiable instrument that predicts risk of failure to appear, new criminal arrests, and technical violations while on pretrial release. The instrument comprises 10 scored items that are divided into two domains: Criminal History and Other. The criminal history items are static and will not likely change during the pretrial release period. The “other” items are dynamic and therefore might change in response to pretrial supervision interventions or conditions imposed. (*PACTS: Portal To External Resources ▶ Risk Assessment*)

For PTRA scores, Category 1 through 3 with recommendations for detention, officers will need to staff the recommendation with SUSPO/designated senior officer and make a chronological entry. This staffing requirement does not apply to illegal aliens. The PTRA will not be completed on writ cases or material witnesses.

NOTE: PTRA’s are not conducted on “Rule 5 In” cases (see Section 2.2), (2) If a PTRA is not completed, enter an explanation in the chronological record, (3) It is important to take the time to enter all PTRA answers correctly and count criminal history entries accurately to ensure cases are resulting in the correct categories.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer’s satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: CHRONOLOGICAL RECORDS

POLICY

National Policy: Guide to Judiciary Policy, Volume 8: Part C: Chapter 5 § 550

Recording Supervision Activity (J-Net)

District Pretrial Services Manual: 2.1

TACTICS/PROCEDURE

The chronological record is the means by which officers document key elements of the defendant's circumstances and the supervision process, with emphasis on the work done to accomplish the desired outcomes of supervision and the results achieved.

It is essential that these records be complete, accurate, and prepared contemporaneously to the event recorded.

The chronological record also conveys accurate up-to-date information about the case to facilitate:

- a) communication among officers and office staff who may share responsibility for the case during the period of supervision;
- b) supervisory oversight of the appropriate application of supervision statutes and policies in each individual case; and
- c) evaluation of the quality and effectiveness of program implementation at office, district, and national levels.

CHRONOLOGICAL RECORD CONTENT

The chronological record should succinctly describe the conditions of release, the level of supervision, and the supervision problems and objectives outlined in the supervision plan. It is to include only meaningful events that describe:

- 1. the status, conduct, and condition of the defendant;
- 2. the supervision activities undertaken by the officer to implement the supervision plan and respond to identified risk/need issues; and
- 3. key case processing events that affect the parameters of the supervision term (e.g., conditions added or removed by the court) or the supervision plan (e.g., plan staffings).

It is generally inappropriate for officers to include:

- 1. future events (except those to document specific officer instructions to a defendant),
- 2. incidental communications among office staff (e.g., e-mails between officers to schedule a home contact or a case staffing), and
- 3. receipt of routine documents (e.g., monthly reports from defendants or treatment providers or documentation of financial payments) that are themselves in the file unless they reflect changed circumstances or otherwise prompt officer action.

It is always inappropriate for supervisors to use the chronological record as the vehicle to document officer performance issues or to provide instruction to an officer. **Note:** Officer performance issues and supervisory instructions to an officer should be documented in the officer's file — and calendared for follow-up by the supervisory officer — rather than documented in the defendant's file.

CHRONOLOGICAL RECORD ENTRY PREPARATION

- (1) Chronological entries reflect the professionalism of the officer and are to be purposeful, precise, objective, and ready for judicial review.
- (2) The following guidance applies in preparing chronological record entries:
 - a. Make each entry both factual and pertinent.
 - b. Make each entry a clear, concise statement that describes the "who, what, how, when, why, and where" of a relevant event.
 - c. When recording contacts, summarize the purpose of the contact, the issues addressed, and, as appropriate, any action taken by the officer, the reaction of the defendant, and any change to the defendant's status.
 - d. Avoid verbatim "I said then s/he said" reporting and get to the point.
 - e. Avoid editorializing and recording unsupported personal opinions.
 - f. Do not record extraneous information that is not germane to supervising the defendant.
 - g. Do not use slang or negative terms (except as may be relevant when quoting others).
 - h. Do not use any but the most basic abbreviations (e.g., FBI, DEA, USPO, USPSO, UA) without first providing the full reference. (**Note:** For example, to avoid having to repeat the full name of a local treatment provider, give an abbreviation along with the full name the first time the provider is mentioned and then use the abbreviation alone in later references, e.g., "Mr. Jones was referred to the Glendale Substance Abuse and Mental Health Counseling Center (GCC) for outpatient services.")
 - i. Proof entries for spelling and grammar by utilizing the Spellcheck feature in PACTS.
 - j. Refer to PACTS guidelines for further guidance on recording supervision activity.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: PSX BAIL REPORTS

POLICY

National Policy: Guide to Judiciary Policy, Volume 8: Part A: Pretrial Services Investigations, Chapter 4 (J-Net)
District Pretrial Services Manual: 2.4

TACTICS/PROCEDURE

OVERVIEW:

- a) The Bail Report is a document prepared for United States Magistrate and District Judges prior to the pretrial release hearing in which the officer presents information relevant to the defendant's risks of nonappearance and danger to the community. This information not only helps the court determine whether to release or detain the defendant pending trial, but is also used for supervision, presentence investigation, and Bureau of Prisons purposes.
- b) The officer gathers and verifies information from a variety of sources, and the sources are identified in the report. This enables the reader to distinguish what information was obtained from what source, e.g., the defendant or a collateral source. The officer does not use blanket statements of verification at the beginning or end of the report as this may confuse the reader as to who said what and lead the reader to believe that all of the information was verified when it may not have been.
- c) Not all information obtained about a defendant is included in the report. Only information relevant to appearance and danger and necessary for bail determination or supervision is contained in the report. For example, for a youthful defendant, the defendant's high school location and graduation date could be relevant because they indicate the defendant's ties to the community. School information would not be relevant to a middle-aged defendant's ties to the community. The officer records all information in the case file, but describes only appearance and danger information in the report.
- d) A pretrial services report is written to stand on its own merit. The officer should not have to explain or further supplement it unless new information is received. The court may consult with the officer to clarify information, but such clarification should not require elaboration or formal testimony. [See: § 470 \(Testimony by Pretrial Services Officers\).](#)

The Pretrial Service Reports are first generated within PACTS. ([CRIMINAL HISTORY \(PSX\) ▶ New Pretrial Interview/Bail Report](#) or [PRETRIAL SERVICES ▶ Pretrial Interview/Bail Report \(PSX\)](#)) and then populated into a Word document for completion. The front page contains spaces for providing identifying information about the district, judicial officer, docket information, and the offense charged. The body of the report follows in six defined sections. The report concludes by identifying the officer who prepared the report and the date the report was prepared.

The body of the report is divided into six sections:

- 1) Defendant History / Residence / Family Ties
- 2) Employment History / Financial Resources
- 3) Health / Mental Health / Substance Abuse
- 4) Criminal History
- 5) Assessment
- 6) Recommendation

NOTE: See **Clerical section** of the Pretrial District manual for complete details on creating bail reports in Word.

A **FULL** bail report is prepared in all cases except as described below:

MODIFIED INVESTIGATION AND REPORT:

In some cases, it may be possible to make an assessment of the defendant's risk to the community and risk of nonappearance without the benefit of a comprehensive investigation. In cases where the officer has conducted a modified pretrial services investigation, the officer should prepare a **MODIFIED PRETRIAL SERVICES REPORT**. These pertain to defendants who are determined to be illegal aliens. The content of the report is limited to the automated record check and any inquiry with U.S. Immigration and Customs Enforcement (ICE).

NOTE: If the defendant is determined to be an illegal alien, no interview occurs. A **MODIFIED REPORT** will be prepared, including only the ICE and criminal records checks. However, there are limited times when the defendant's attorney asks that the defendant be interviewed and the outcome is favorable for release. Treat these cases on an individual case-by-case basis. (*See Video ▶ Pretrial-Share Demonstration Modules PSX Bail Report-Modified*)

NOTE: No bail report is required, if a defendant's appearance in court is pursuant to a Writ of Habeas Corpus and it has been determined the defendant is serving a sentence and is not eligible for release within 90 days of arrest for the instant offense. However, a full criminal history check is required on all writ cases regardless of ineligibility of release within 90 days. Additionally, the criminal history must be entered into the Criminal History Module in PSX.

INVESTIGATION AND ABBREVIATED REPORT:

A full investigation will result in an **ABBREVIATED REPORT** in the case types listed below:

- **SUMMONS CASES:** When a defendant's appearance in court is the result of a summons;
- **POST RELEASE CASES:** When a defendant has been released under Pretrial Services supervision without a Pretrial Services Report prepared for the Court;
- **CERTAIN CLASS A MISDEMEANOR CASES:** Class A Misdemeanor cases that are not crimes of violence, sexual offenses, or drug offenses

ADDENDUM:

A Rule 5 transfer refers to a defendant who is arrested in a district other than the district in which the offense was charged. The officer in the arresting district forwards the case information to the district of prosecution immediately following the order of removal. Upon receipt of a Rule 5 transfer, the officer in the district of prosecution may collect and verify additional information as needed to update the report prepared by the district of arrest. The officer may need to interview the defendant and make an independent assessment and recommendation before the defendant's initial court appearance. If the officer needs to add additional information or correct erroneous information, and/or makes any changes in the recommendation (including adding/deleting a condition), an **ADDENDUM TO THE PRETRIAL SERVICES REPORT** will be prepared. The officer submits an addendum with the original report so that all information gathered during the investigation is presented to the judicial officer.

If the pretrial officer concurs with the arresting district's recommendation and no revisions are necessary, the clerk will prepare the Rule 5 In PSA Confidential Cover Sheet indicating same. Attach atop the original pretrial services report. The Rule 5 In Addendum Bail Report shall list *all* criminal history *as superseded*.

Before the Pretrial Services Report Addendum is prepared, the Pretrial Services Report first must be finalized, unless the addendum is prepared for a Rule 5 In case. If the Bail Report Addendum is for a Rule 5 In case, a "New Pretrial Interview/Bail Report" must be created in PSX before populating over to a Word document (see end of chapter for details); upon completion in Word, delete the bail report draft link in PSX.

NOTE: After the defendant is released, if the officer determines there are risk factors the Court should be made aware of, the officer will forward a copy of the Pretrial Services Report and/or addendum (if appropriate) to the Court under cover of memo. (Exhibit 2.4(b)). Before submitting the information to the Court, the officer will consult with the court officer to be sure the information was not introduced at the time of the release. No copies of the memo or report will be distributed to the AUSA or defense counsel unless a bail review hearing is held. This memo and report will be sent to the Court as an email attachment and not filed in CM/ECF.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: DISCLOSURE**POLICY****National Policy: Guide to Judiciary Policy, Volume 8 Chapter 5 (J-Net)
District Pretrial Services Manual: 2.4**

Unless authorized by confidentiality regulations or directed by a judicial officer, the officer does not disclose pretrial services information and does not release the file, report, or any other information developed during the pretrial services investigation or supervision in connection with any federal, state, or local judicial, administrative, or legislative proceeding. The prohibition on unauthorized disclosure applies regardless of whether such disclosure is sought through the direct testimony of an officer or by means of subpoena, subpoena duces tecum, or other form of judicial process. However, this prohibition does not apply when an officer's testimony is necessary to resolve a disputed factual issue relevant to a release or detention determination when there is no practical way to resolve that issue other than by reference to the information, file, or record.

Other than for the purpose of bail determination, pretrial services information is not to be disclosed except in these limited circumstances provided in the confidentiality regulations:

1. provide to the judge, colored cover page copy of pretrial report; and
2. to the defense attorney and the government attorney for release hearings or pretrial diversion considerations;
3. to probation officers for the purpose of compiling presentence reports.

DISCLOSURE NOTE: The bail report should be disclosed to all parties in the courtroom at the same time. The original and all copies of the bail report must be returned to the Pretrial Services officer after each hearing. A defense attorney or assistant U.S. attorney (AUSA) may review the bail report in the U.S. probation office after court, but will not be provided with a copy of any portion of the report, including criminal history information. The criminal history will be uploaded into ECF for viewing by the AUSA and attorney representing defendant.

ACKNOWLEDGEMENT:

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Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: BONDS

POLICY

**National Policy: Guide to Judiciary Policy, Volume 8 Chapter (J-Net)
District Pretrial Services Manual: 2.5**

The following types of bonds are used in federal courts:

PERSONAL RECOGNIZANCE: A person is released on his/her own recognizance, or promise, to reappear for all court proceedings and to not violate any laws.

UNSECURED APPEARANCE: A monetary amount is set by the Court and is secured only by signature of the defendant. If defendant fails to reappear, the Government can attach personal property to recover the cost of the unsecured bond.

THIRD-PARTY CUSTODY: The defendant is placed in the custody of another person who monitors the defendant's activities to ensure compliance with the conditions of release. The third-party custodian must notify the Court if the defendant violates any conditions of release.

To determine the suitability of a potential third-party custodian, the following steps should be taken: (1) Interview the potential custodian; (2) Perform a criminal record check as defined in Chapter 3.4, chrono same, and shred upon completion; and (3) When appropriate, make a home visit to verify the suitability of the residence. The above information shall also be added to the Pretrial Services Report (if prior to the hearing).

Officers must maintain contact with the third-party custodian to ensure the defendant is in compliance with the conditions of release and to assure the custodians are aware of the defendant's actions and whereabouts. Officers must complete a criminal records check on the third-party custodian(s) if a check was not conducted prior to the defendant's release on bond.

SECURED BOND: This is a specific dollar amount, usually secured by property or some other form of collateral (car title, cash, etc.) owned by the defendant, relatives or others. If the defendant fails to appear, the government may seize the property to cover the amount of the bond.

Another form of secured bond is a "percentage" bond, where the defendant is required to post a percentage of a total amount.

CORPORATE SURETY: A defendant may seek a surety for the bond through a bondsman or surety company.

The Order Setting Conditions of Release form will show the type of bond under which the defendant is released. This order will also list the conditions of release.

ACKNOWLEDGEMENT:

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Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: BOND VIOLATIONS

POLICY

National Policy: Guide to Judiciary Policy, Volume 8: Chapter 7: Managing Noncompliant Behavior (J-Net)
District Pretrial Services Manual: Chapters: 3.9, 3.10, 3.11

TACTICS/PROCEDURE**OVERVIEW:**

Under [18 U.S.C. § 3154\(5\)](#), officers must inform the court and the United States attorney of all apparent violations of pretrial release conditions, arrests of persons released to . . . or under the supervision of providers of pretrial services, and any danger that any such person may come to pose to any other person or the community, and recommend appropriate modifications of release conditions."

Unless otherwise directed by the court, this does not mean that the judicial officer and United States attorney need be notified every time a defendant does not comply with the officer's instructions. Although officers are to intervene in every instance of noncompliance — *no matter how minor* — they have discretion to report or not report acts of technical noncompliance that, after investigation, they assess to fall in the "lower-risk" tier of the framework. Examples of these are a missed appointment or a minor curfew violation or other non-recurring lower-risk violations (See: [§ 730.20.10\(a\)](#)) that have been or are being resolved by officer interventions undertaken under the authority provided by current conditions. Officers should seek the advice of the supervisor or specialists if there is any question about whether to report a violation.

Conversely, the officer is to immediately advise the court and the United States attorney if the defendant is arrested or, after a timely investigation, assessed to have engaged in conduct that constitutes an apparent violation that poses a higher risk of nonappearance or danger to the community (See: [§ 730.20.10\(b\)](#)). The conditions of release establish the behavioral limitations with which the defendant must comply. Defendant actions that do not conform to the conditions of release constitute noncompliant behavior. Management of noncompliant behavior is critical to effective supervision and to the reduction of unnecessary detention.

Noncompliant behavior may consist of new criminal activity, failure to appear for court hearings, or failure to meet the requirements of other conditions, commonly known as a technical violation. Because noncompliant behavior can take many forms and may or may not entail substantial safety concerns, officers should be particularly attentive to the thoroughness and objectivity of their assessment, the judicious exercise of their authority, and their professional demeanor when addressing noncompliance with defendants.

All responses are to be sufficient, but not greater than necessary, to bring this individual defendant into compliance.

PROCEDURES

Officers are expected to take the following actions in response to noncompliance:

- (1) Intervene with both risk control strategies to hold the defendant accountable and to deter further noncompliance, and also with risk reduction strategies to help prevent further noncompliance and to promote success during the period of supervision. [See: § 730.20 \(Assess and Plan for Supervision Interventions\)](#).
- (2) Once officers become aware of an apparent violation, they are to immediately conduct a thorough investigation by obtaining relevant documentation and interviewing appropriate parties to verify the information received and explore the context. Activities may include contact with the defendant, defense counsel, law enforcement, and other relevant parties. As required, report violations to the court and the United States attorney and recommend action proportionate to the degree and level of noncompliance. [See: § 740 \(Reporting\)](#).
- (3) Document the noncompliance and each of the above actions in the chronological record. [See: § 750 \(Documentation\)](#).

A defendant who violates one or more of the conditions of release is subject to modification of conditions, a revocation of release, an order of detention, and prosecution for contempt of court.

If action is warranted as a result of a violation, there are two options available for reporting the violation:

a) Consent to Modify Conditions of Release

Under 18 U.S.C. § 3142(c)(3) authorizes the Court to amend the release order at any time to impose “additional or different conditions of release.”

Under 18 U.S.C. § 3148(b), the attorney for the government may initiate a revocation proceeding by filing a motion with the court. Judicial officers are to enter an order for revocation and detention if, pursuant to a hearing, the court finds:

- i. that there is probable cause to believe the defendant committed a crime while on release or clear and convincing evidence of any other violation, and
- ii. that there is no condition or combination of conditions that will assure that the person will not flee or pose a danger or that the defendant is unlikely to abide by any condition or combination of conditions.

If it is decided the bond conditions need to be modified as the result of a violation or changed circumstance, and the defendant consents to the modification, officers should prepare both a PS42 Request to Modify Conditions of Release and PS42A Consent to Modify Conditions of Release.

Consult with the AUSA assigned to the case to determine whether they concur with the proposed modification.

If the AUSA does not object, prepare both the “Request and Consent to Modify Conditions of Release” forms. On the PS42A, obtain the signatures of the defendant, pretrial services officer (as witness), and the defense counsel (if the modification is more restrictive than the original conditions). If the modification will benefit the defendant, there is no need to obtain the signature of the defense counsel. On the PS42, both the USPO and SUSPO signatures are electronic. If the AUSA does object to the modification, there are two options:

- (1) advise the defendant to consult with their attorney to consider filing a defense motion or;
- (2) proceed with the modification request noting the AUSA’s objections and reasons.

b) Violation Report (Summons/Warrant Requested)

Title 18 U.S.C. § 3154(5), states that **all** apparent violations of the conditions of release shall be reported to the Court and the U.S. attorney. However, the Pretrial Services officer maintains some degree of discretion in determining apparent violations, particularly regarding minor deviations of conditions of release. The Court and the U.S. attorney may desire not to be notified of minor deviations from the conditions of release that could be resolved by the officer. **Note: All violations must be staffed with your SUSPO.** Each instance of noncompliance, and the response to that noncompliance, must be documented clearly and concisely in the chronological record. The entry is to identify the nature of the noncompliance, as well as the required risk control and risk reduction elements of the intervention.

VIOLATION REPORT FOR THE COURT

A violation report to the court should include:

- a) the defendant's release status, the date the conditions were ordered, the name of the judicial officer who ordered them, and the type and date of the next scheduled court hearing;
- b) a complete description of the facts regarding the apparent violation or changed circumstances;
- c) a summary of the defendant's compliance with release conditions, including the results of a criminal record check;
- d) a summary of the officer's activities to address and resolve the defendant's noncompliant conduct; and
- e) a recommendation.

1) No Judicial Intervention Requested

Would be the appropriate recommendation in those cases where the officer's interventions permitted under current conditions are considered sufficient to bring the defendant into compliance.

2) Request for Modification of Conditions

Would be the appropriate recommendation when the defendant is not in compliance, and the officer's attempts to bring the defendant into compliance have not been successful, but additional conditions have been identified that the officer believes are sufficient to reasonably assure the defendant's appearance and community safety.

3) Request for Revocation

Would be the appropriate recommendation when the officer determines that no modification of conditions can reasonably assure the safety of the community and the appearance of the defendant. (For revocation procedures, [See: 18 U.S.C. § 3148\(b\)](#).) When requesting a violation hearing, the officer should also request either that the court issue a summons to appear or an arrest warrant. Warrants should only be requested when there is an immediate risk of danger or nonappearance, or when it is believed that the defendant will not appear voluntarily. Revocation is a last resort to be used when community-based alternatives have been deemed ineffective or insufficient to reach the desired outcomes of supervision. Officers are encouraged to staff cases with specialists and the supervisor, particularly before recommending revocation.

NEW LAW VIOLATIONS:

All "new law" violations, excluding infractions, will be reported to the Court. If the officer does not want to request any action as a result of the violation, the violation is to be reported by use of the form entitled "Notification of New Law Violation/Arrest of Pretrial Defendant" (Homepage/Forms & Policies/Pretrial Forms/ Notification of New Law Violation). The form will be docketed by the USPO/clerk in ECF. A copy will be provided to the defendant. The New Criminal Charges Module in PACTS is to be updated.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: INITIAL CASE PLANS AND REVIEWS

POLICY

National Policy: Guide to Judiciary Policy, Volume 8: Part E Chapter 4 (J-Net)
District Pretrial Services Manual: 3.1 - 3.2

TACTICS/PROCEDURE

OVERVIEW:

The purpose of supervision planning is to create an evolving, individualized, outcome-based plan of action to monitor the defendant's compliance with the conditions of release and intervene as necessary to address any identified risks. The desired outcome in all cases is the successful completion of the term of supervision during which the defendant commits no new crimes, appears in court for all scheduled hearings, and complies with all other conditions of release.

The supervision planning process begins with an initial assessment period during which officers gather information, continue to assess defendants' risk factors, and develop an initial supervision plan. The **Post-Release Intake Interview** will help to establish rapport with the defendant, and initial expectations of the roles and responsibilities of the officer and the defendant. The intake interview sets the tone for the entire period of supervision. During the interview with the defendant, the officer:

- 1) reviews the requirements of each condition of release and clarifies the potential consequences of any noncompliance with release conditions;
- 2) conduct an initial drug test, and if negative and there is no history of substance abuse, mark the Drug Treatment condition as satisfied. Leave the Substance Abuse Testing condition as active and chrono in the case plan that drug testing will not be conducted after the initial negative drug test;
- 3) provides specific information about the boundaries of any travel restrictions and how to seek permission to travel;
- 4) completes and gives the defendant a copy of the Pretrial Release Reporting Instructions (Form PS 7);
- 5) takes a photograph of the defendant (digital preferred) if one is not already available;

- 6) informs the defendant that a home assessment (**See: [Guide, Vol 8C, § 520.20](#)** (Home Contacts)) will be conducted, describes what that entails, and clarifies that additional home contacts may be made during the course of supervision; and
- 7) when applicable, advises the defendant of any third-party custodian's legal obligations (i.e., that the custodian has agreed to monitor the defendant's compliance with the court-ordered conditions of release and to notify the court and/or pretrial services of any instances of noncompliance, and that a custodian who fails to live up to these obligations faces contempt of court proceedings);

The officer records the post-release intake interview in the chronological record. The record should clearly yet concisely document the aforementioned.

The plan is to be submitted for supervisory review within 30 calendar days after the defendant is released. Supervisors who agree with the plan as submitted will approve the plan. Otherwise, supervisors are to staff the case with the officer. By either method, the initial plan is to be approved within seven calendar days of its submission.

These first **30** days of supervision are a time of intense supervision activity during which officers are to:

- (1) review all available documentation;
- (2) conduct a post-release intake interview with the defendant;
- (3) assess the defendant's residence;
- (4) develop and contact collateral sources;
- (5) implement or take steps to implement restrictive or treatment conditions (e.g., drug testing, referral for treatment evaluations or placements) (**See also: [Guide, Vol 8C, Ch 6](#)**); and
- (6) request modifications to the conditions of release as appropriate (e.g., if a third-party risk is identified, officers may need to recommend additional conditions as deemed necessary to manage that risk, such as restricting travel or personal associations or prohibiting contact with an alleged victim or witness).

The supervision process is an ongoing cycle of investigation, assessment, planning, implementation, and evaluation during which the officer is to:

- (1) investigate and assess the risk issues in the individual case;
- (2) in conjunction with the defendant, set specific objectives to be accomplished by the defendant;
- (3) develop and implement appropriate supervision strategies;
- (4) adjust swiftly and appropriately to any change in circumstances; and
- (5) evaluate the plan on an ongoing basis.

Every **6** months after the defendant's release, the officer must conduct a criminal records check, update the case plan and submit it to the SUSPO. Start records check from the last day of the previous month, go to My Action List, click "Record check alert," show action items for next 31 days, hit "update" to run record of cases due for the next 31 days. After completing the records check, place a check mark to reflect its completion;

Courtesy out cases will be reviewed by the officer and SUSPO at the regular 6-month intervals. **Detained** cases will be reviewed every **90** days by the officer (*only*) with a court docket query in ECF to check the court status. Only a chronological entry, **not** a case plan, is required for detained and courtesy out case reviews. All PACTS information must be updated on all cases being submitted for review.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: SUPERVISION OF FEDERAL DEFENDANTS

POLICY

National Policy: Guide to Judiciary Policy, Volume 8-Part C: Supervision of Federal Defendants Chapters 1, 3, and 5 (J-Net)
District Pretrial Services Manual: 2.7 - 2.9

TACTICS/PROCEDURE

OVERVIEW:

Pretrial services is the primary manager of defendants placed on pretrial supervision. The officer's primary responsibility is to develop appropriate supervision strategies to implement and monitor the defendant's compliance with release conditions set by the court to reasonably assure the defendant's appearance and the community's safety. The goal in every case is the successful completion of the term of supervision during which the defendant commits no new crimes, appears in court as required, and complies with all other court-imposed conditions of release.

Officers are responsible for conducting pretrial services supervision. However, supervision does not occur in a vacuum, and, for it to be effective, supervisors, specialists, and other agencies must also be involved. As representatives of the court, officers exercise their authority judiciously, using only those supervision strategies that are consistent with the conditions of release and that are sufficient, but no more restrictive than necessary, to reasonably assure the safety of the community and the defendant's appearance in court as required. Officers are to treat all defendants, colleagues, counsel, court staff, and community partners with dignity and respect.

The manner in which an officer interacts with defendants and others can influence their perceptions of the court as an institution that dispenses justice regardless of the outcome of the case. Officers also set the tone for what a defendant may expect from others in the federal criminal justice system. An officer who acts with integrity and respect, makes expectations clear, and responds appropriately will help create positive perceptions of the judicial process and foster a more productive attitude toward any term of post-conviction supervision that may be imposed.

Every supervision activity should be related to the objectives established for the individual case. Alone and in combination, the selected activities should be those deemed sufficient, but not more restrictive than necessary, to facilitate desired outcomes. The strategies selected should also seek to maximize the strengths of the officer, the defendant, office specialists, and community resources to address most effectively and efficiently the specific types of risks identified in the individual case.

The principles of effective supervision are designed to ensure that supervision comports with the requirements and limitations inherent in statutory directives and is purposefully directed toward achieving desired outcomes. Their application in every case will also ensure that the majority of supervision resources are dedicated to those defendants who need them most in order to successfully complete their supervision in the community.

Effective supervision is:

- (a) Individualized
One size does not fit all. Effective supervision is responsive to the requirements of the individual case rather than the implementation of any standard plan or the blanket application of any strategy or tool.
- (b) Purposeful
Initial and subsequent supervision case planning should specify the objectives to be accomplished in the individual case. Every supervision activity should have a purpose that is directly related to these objectives.
- (c) Multidimensional
Effective supervision of cases that present multiple issues requires the concurrent implementation of multiple strategies. A variety of disciplines may be necessary to address the supervision issues presented by the individual defendant.
- (d) Pro-Active Implementation
Officers must be aware of changes in defendants' circumstances not only through contacts in the office with defendants, but also through contacts in the community and with collateral sources.
- (e) Responsive to Changes
Officers must respond to changes in defendants' circumstances by adjusting the level of supervision commensurate with the current level of risk in the individual case, seeking modifications to the conditions of release as appropriate.

ADMINISTRATIVE SUPERVISION - If the Judicial Official specifies that a defendant is to be placed under an administrative caseload (the least-restrictive type of supervision), supervision should be conducted by use of the Integrated Voice Recognition System (IVR).

The following supervision activities are required for cases on Administrative Supervision:

- Records checks must be conducted every 90 days;
- Chronos must be generated for all contacts;
- Case reviews are to be conducted every six months;
- Defendants who are not placed under IVR should be required to submit a PS39 Pretrial Services Supervision Report form to the address given on that form or by ERS by the fifth day of each month;

- Defendants being supervised by means of IVR will provide monthly supervision reports through the Integrated Voice Response (IVR) system within the first 5 days of each month. A letter will be generated from the IVR requesting documentation to support noted changes (employment, residence, law enforcement contact, vehicle). Copies of the change letter will be maintained in the electronic case file.
- A home assessment is required upon each change of residence and includes observation of the interior to confirm the defendant's residence; verification of who else is residing at the residence; plain view observation for evidence of contraband; and if needed, review of documentation such as rental agreements, mortgage documents, etc. to verify ownership and monthly living expenses. The designated SUSPO/designee will assign home assessments on defendants supervised by that office to a field supervision officer for completion.

COURTESY SUPERVISION standards are the same whether the defendant is supervised in the district of jurisdiction or in another district, i.e., courtesy supervision. Because a defendant is supervised by one district for another, communication and cooperation between the two districts is imperative. To begin the supervision process, the officer in the district of jurisdiction should:

- 1) before the defendant's travel, telephone the district of supervision to inform that office of the defendant and advise that a request for supervision will follow;
- 2) send a request to the district of supervision to provide courtesy supervision and, where appropriate, include supervision instructions, giving particular attention to any of the court of jurisdiction's rules regarding permissible activities or requirements for reporting to the court;
- 3) submit or verify submission of any passport notice that is required; and
- 4) without delay, send a copy of the order of release, the pretrial services report, and other pertinent documents (e.g., indictment or complaint and chronological records) to the case officer in the district of supervision;
- 5) notify the district of supervision of the dates of all judicial proceedings and should contact the district of supervision as needed to monitor the defendant's compliance with the conditions of release.

The district of supervision should:

- 1) prepare the Pretrial Release Reporting Instructions ([Form PS 7](#)), review them with the defendant, and provide the defendant with a copy;
- 2) conduct a home assessment;
- 3) assess current risks and develop and implement the supervision case plan; and
- 4) notify the district of jurisdiction in writing of all apparent violations.

NOTE: If another district requests courtesy pretrial supervision from our district but no report has been prepared (such as from the Middle District of North Carolina), advise them that we **do not** accept courtesy supervision on these cases; however, if an investigation is completed (and a report prepared) then we will accept supervision.

DUAL PRETRIAL SUPERVISION: In the event a supervised releasee or probationer is re-indicted on federal charges, the supervision officer assigned to the case will be responsible for the pretrial supervision of the defendant to include compliance with the bond release conditions. A pretrial court officer will interview the defendant and prepare a bail report for the Court. The pretrial officer will complete the PS2 and activate the case in PACTS. The case plan will be completed by the assigned supervision officer. The next home visit after release on bond will be coded as the PHA date.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: SUPERVISION STRATEGIES

POLICY

National Policy: Guide to Judiciary Policy, Volume 8 Part C: Selecting and Executing Supervision Chapter 5 (J-Net)

District Pretrial Services Manual: Section 3

OVERVIEW:

- a) As the component of the federal judiciary responsible for community corrections, the Federal Probation and Pretrial Services System is fundamentally committed to providing protection to the public and assisting in the fair administration of justice. While maintaining the presumption of innocence and working under the guidance of the court, pretrial services seeks to effectively supervise persons released to its custody and thereby promote public safety, facilitate the judicial process, and reduce unnecessary detention.
- b) Pretrial services is the front door to the federal criminal justice system and has a unique opportunity to lay the foundation for each defendant's success, not only during the period of pretrial services supervision, but even beyond that time. Officers strive to work with each defendant in such a manner that this contact with the criminal justice system will be the defendant's last, thereby preventing the front door of the system from becoming a revolving door.
- c) While pretrial services has no authority over a defendant beyond the period of pretrial services supervision, it can help to lay the foundation for success by:
 - 1) Adhering to the highest standards of professional ethics;
 - 2) Employing effective supervision practices; and
 - 3) Creating effective partnerships with other criminal justice components and with the community.

TACTICS/PROCEDURE

Officers are to develop an array of monitoring and, as appropriate, assisting strategies that are sufficient, but no more restrictive than necessary, to manage identified risks and facilitate desired outcomes.

Field work should consist of, but not be limited to, a home assessment; verification of a defendant's employment; collateral contacts to assure the defendant's compliance with the release conditions; visits to drug, alcohol, and mental health facilities to monitor a defendant's performance; local records checks; and community resource contacts. Pretrial officers must conduct a home assessment on each defendant placed under Pretrial Services supervision within the assessment period and upon each change of residence.

Officers are also encouraged to conduct periodic unannounced home visits. Additionally, special emphasis should be placed on home/community visits as opposed to office visits throughout the period of pretrial supervision. The majority of an officer's contacts with higher risk defendants under supervision should be made in the field. Cases such as sex offenders may require more intensive field monitoring on a case-by-case basis.

REPORT TO PRETRIAL SERVICES

- a) Unless specified by the court, the officer must determine the frequency with which the defendant is to report to pretrial services and the type of contact (e.g., personal, telephone). The frequency and method of reporting should be based on the conditions imposed by the court and the defendant's assessed risk. The officer should also consider the defendant's situation (e.g., physically disabled, work schedule) when establishing a reporting schedule.
- b) In appropriate cases, the officer may use the Pretrial Services Supervision Report (Form PS 39) or electronic reporting (e.g., kiosks or web-based reporting) to obtain information regarding residence, employment, and contact with law enforcement. The officer should use this optional form selectively, e.g., in cases for which the officer does not have frequent contact with the defendant. It should not be used for every defendant each time he or she reports.

HOME CONTACTS

One of the most valuable activities available to an officer is the home contact, which is utilized:

- 1) as a primary strategy for verifying residence;
- 2) to maintain an appropriate level of awareness and a supervision presence to encourage compliance in higher-risk cases;
- 3) to monitor compliance with any restrictive conditions including, but not limited to, residence, associations, weapon possession, and computer; and
- 4) to establish rapport and maintain a dialogue with defendants and their families or house mates.
- 5) Home contacts and assessments are not searches. When performing a walk-through, officers may not intrude into enclosed areas such as refrigerators, drawers, or closets without the consent of the defendant.

LOCATION MONITORING

See: [18 U.S.C. § 3142\(c\)\(1\)\(B\)\(vii\) and \(xiv\)](#).

The court may impose as a condition of release that a defendant remain at his or her place of residence during specified hours. For specific guidance on location monitoring policies **See:** [Guide, Vol 8F \(Federal Location Monitoring Program \(Monograph 113\)\)](#).

TRAVEL RESTRICTIONS AND CONTROLS

The court may impose conditions that restrict a defendant's travel as deemed necessary to reasonably assure appearance and protect the community; and may require defendants who are nonappearance risks to surrender or not obtain passports or travel documents.

See: 18 U.S.C. § 3142(c)(1)(B)(iv).

- a) The court may restrict the defendant's travel to reduce the risk of nonappearance and/or danger. The officer is to provide clear instructions to defendants as to where they are and are not permitted to go; to explain the process for requesting permission to travel in advance; and to monitor compliance with the restrictions through contacts with the defendant, family, and significant others and/or use of available technologies. If a defendant requests permission to travel, officers are to investigate the legitimacy and necessity of the travel; obtain copies of the itinerary and, as appropriate, train, airplane, or bus tickets; and request the court's permission as necessary.
- b) Even when restricted travel is not a condition of release, officers should keep informed of travel plans to maintain awareness of the defendant's whereabouts and adjust supervision strategies accordingly.

SURRENDER PASSPORT OR TRAVEL DOCUMENTS

See: 18 U.S.C. § 3142(c)(1)(B)(xiv).

A. Surrender and Custody of Passports

- (1) If the court ordered the defendant to surrender the passport to the pretrial services or probation office, that office becomes the custodian of the document and should maintain the passport pending its use as evidence or until disposition of the charges. The officer should:
 - a) specify when the passport is to be surrendered;
 - b) after obtaining the passport, give the defendant a Passport Receipt (Form PS 41) containing the defendant's name, the date the passport was surrendered, the passport number, the country of origin, the defendant's signature, and the officer's signature;
 - c) retain a copy of the receipt in the case file;
 - d) if the surrendered passport is issued by the United States, submit a Notice Regarding United States Passport for Criminal Defendant (Form PS 40) to the United States Department of State (Note: A surrendered foreign passport is to remain with the respective custodian until the disposition of charges.); and

- e) if the defendant cannot locate his or her passport, require the defendant to submit an affidavit through his or her attorney stating such and notify the court and the assistant United States attorney.
- (2) If the court orders the defendant to surrender a passport to the clerk of court, the officer should verify compliance by reviewing the docket sheet or confirming with the clerk of court's staff. If the defendant was ordered to surrender a United States passport, the officer should also verify that the clerk of court submitted the notice of surrendered passport (Form PS-40) to the Department of State. If the clerk of court did not do so, the officer should.

OBTAIN NO PASSPORT

See: 18 U.S.C. § 3142(c)(1)(B)(xiv).

If the court orders that a defendant not obtain a passport while on release, the officer should submit a *Notice Regarding United States Passport for Criminal Defendant (Form PS 40)* to notify the Department of State of the court's order. When bond is exonerated and this condition no longer exists, the officer should submit the Notice Regarding Passport to notify the Department of State that the restriction no longer exists.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: CASE TERMINATION

POLICY

**National Policy: Guide to Judiciary Policy, Volume 8 Chapter 4 (J-Net)
District Pretrial Services Manual: 4.4**

The officer should close a case within 7 working days after a defendant is detained or receives probation, dismissal, acquittal, voluntary surrender, or dies. In cases involving voluntary surrender, the officer will verify the defendant's surrender to the institution and then close case within 7 working days after the surrender date.

The officer must complete a final criminal records check as required in Section 3.4 of this manual and enter a closing summary in the chronos on each case. The closing summary must include an assessment of the defendant's release, performance, compliance with special conditions and Pretrial Services supervision; and if applicable, dispositional court events and the results of the final records check. Once complete, the officer should advise the clerk/probation tech to proceed with closing.

CLOSING COURTESY IN CASES

A Courtesy In case should be closed within 7 working days of notification of the requesting district. The officer must complete a final records check and closing summary in the chronos as outlined above. The officer will notify the requesting district of the closing by letter or email, and the clerk/probation tech will close the case and send the chronological record to the requesting district.

CLOSING FUGITIVE CASES

All fugitive cases should be statistically closed 90 days from the date of the warrant. Once the 90-day time period has elapsed, the officer should advise the clerk/probation tech to proceed with closing.

ACKNOWLEDGEMENT:

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Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: PRETRIAL DIVERSION**POLICY****National Policy: Guide to Judiciary Policy, Volume 8 Chapter 8 (J-Net)
District Pretrial Services Manual: Section 2.10**

OVERVIEW: Pretrial diversion is an alternative to prosecution which seeks to divert certain candidates from traditional criminal justice processing into a program of community supervision administered by the United States pretrial services or probation office. The diversion process may start either before or after the formal filing of charges; in either case, prosecution is suspended. Participants ("divertees") who successfully complete the pretrial diversion program are not charged or, if they are charged, have the charges against them dismissed; unsuccessful diverttees are terminated from the program and may be prosecuted. Pretrial diversion is a Department of Justice program operated by individual United States attorney's offices. The Department of Justice pretrial diversion program, including policy, sample letters, and a sample agreement, is set forth in the [United States Attorneys' Manual, Criminal Resource Manual, Chapter 9-22.000](#). Pretrial services or probation officers should refer to this manual for additional guidance in carrying out their pretrial diversion program duties. For guidance on pretrial diversion supervision, see: [Guide, Vol 8C, Ch 8 \(Pretrial Diversion Supervision\)](#). Officers can access the Pretrial Procedures Manual through the PACTS portal.

OBJECTIVES: [United States Attorneys' Manual, Criminal Resource Manual, Chapter 9-22.010](#) lists these major objectives for pretrial diversion:

- (a) To prevent future criminal activity among certain offenders by diverting them from traditional processing into community supervision and services.
- (b) To save prosecutorial and judicial resources for concentration on major cases.
- (c) To provide, where appropriate, a vehicle for restitution to communities and victims of crime.

AUTHORITY: Under [18 U.S.C. § 3154](#), the functions and powers related to pretrial services include the authority for pretrial diversion at [§ 3154\(10\)](#), which states:

To the extent provided for in an agreement between a chief pretrial services officer in districts in which pretrial services are established under section [3152\(b\)](#) of this title, or the chief probation officer in all other districts, and the United States attorney, collect, verify, and prepare reports for the United States attorney's office of information pertaining to the pretrial diversion of any individual who is or may be charged with an offense, and perform such other duties as may be required under any agreement.

CONFIDENTIALLY: The diversion agreement should not be disclosed by a probation or pretrial services office. Any request for disclosure of the agreement made by a third party must be denied due to a lack of authority to disclose the information and the agreement with the United States attorney's office to maintain strict confidentiality. The fact that a person is on pretrial diversion is also confidential and should not be divulged by the officer.

Under [18 U.S.C. § 3153\(c\)\(2\)\(D\)](#), the pretrial diversion report may be released to the attorney for the diverttee and the attorney for the government.

TACTICS/PROCEDURE

The AUSA will submit a written request, after approval by the U.S. attorney, to our office for the Pretrial Diversion investigation. A designated SUSPO will assign the investigation to a supervision officer with a 45 calendar day completion deadline. For pre-PTD cases, the SUSPO assigns a docket number beginning with each new calendar year and keeps a running list of each subsequent assignment for the entire calendar year (e.g. 3:11D02-01). The Pretrial Diversion Report is completed for the U.S. attorney's office. The PTD Report is located in Word/Templates/NCWP Templates/Pretrial. When the report has been completed, reviewed, and approved by the SUSPO, it will then be forwarded to the requesting AUSA and a copy sent to the U.S. attorney. When a judicial officer is involved, a copy of the report should be provided to the Court prior to the signing of the Diversion Agreement. Once a candidate is accepted into the program by the U.S. attorney's office, the AUSA may schedule the signing of the PTD agreement and notify all parties of the date and time no more than 14 business days after receipt of the PTD report and recommendation from the USPO. The AUSA may elect to send the PTD agreement to each of the parties for signature by mail.

The term of diversion supervision begins on the date the Pretrial Diversion Agreement is signed by all parties: the defendant, the defense attorney, the assistant U.S. attorney, and the USPO. If the Agreement is signed on different dates, the "begin date" will be the latest date signed. In signing the agreement, the candidate must acknowledge responsibility for his or her behavior, but is not asked to admit guilt.

NOTE: When possible, any documents referred to may be sent as an email attachment.

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Trainee: _____ Date: _____

FTO/Designated Trainer: _____

Pretrial Supervision FTO Checklist

****Supervision FTO is responsible for Pretrial Supervision and Post Conviction Supervision Task Sheets****

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
1	Confidentiality * See Task Sheets – 1) Confidentiality & 2) Disclosure*	District Pretrial Manual, Section 1.3					
2	Chronos in PACTS * See Task Sheet – Chronological Records* <ul style="list-style-type: none"> Review how to enter chronos and the importance of entering chronos 						
3	Case Plan * See Task Sheet – Initial Case Plans and Reviews*	District Pretrial Manual, Section 3.2					
4	Six-Month Supervision Case Reviews * See Task Sheet – Initial Case Plans and Reviews*						
5	Detained Case Reviews <ul style="list-style-type: none"> Every 90 days * See Task Sheet – Initial Case Plans and Reviews*						
6	Field Supervision * See Task Sheets – 1) Supervision Strategies, 2) Supervision of Federal Defendants, & 3) Confidential Informant* <ul style="list-style-type: none"> Night supervision Flexible field work schedules 	District Pretrial Manual, Section 3.6					
7	Bond Violations * See Task Sheets – 1) Bonds and 2) Bond Violations* <ul style="list-style-type: none"> Notification of new law violation No action violation Violation report (summons v. warrant) 	District Pretrial Manual, Sections 3.9 – 3.11					
8	Bond Modification Procedures	District Pretrial Manual, Section 3.11					

Pretrial Supervision FTO Checklist

****Supervision FTO is responsible for Pretrial Supervision and Post Conviction Supervision Task Sheets****

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
9	Closing Cases * See Task Sheet –Case Termination*	District Pretrial Manual, Section 4.4					
10	Overview and Observation of Pretrial Process (Plea/Verdict) **One (1) day in Court** <ul style="list-style-type: none"> Initial Arrest Role at Initial Appearances/ Detention Hearings (if applicable to location and during rounds ups) Interview Explanation of Round Ups *New Hire will create a bail report* ** See Task Sheet – PSX Bail Reports**						
11	Collateral Investigations <ul style="list-style-type: none"> ACIS printouts Retrieving state records (types of documents to retrieve – transcript of plea, judgment, violation reports, etc.) Available records vs. purged records – county specific Microfilm and old records (books) Access/key for copier Policies specific to courthouse location 	Supervision Manual Section 7					

TASK: CONFIDENTIALITY

POLICY

**National Policy: Guide to Judiciary Policy, Volume 8 Chapter 5 (J-Net)
District Pretrial Services Manual: Section 1.3**

STATUTORY PROVISIONS: The Director of the Administrative Office of the United States Courts is authorized to issue regulations governing the release of information made confidential by Section 3153(c)(1) of Title 18, United States Code, enacted by the Pretrial Service Act of 1982. Section 3153(c)(1) provides as follows: "Except as provided in paragraph (2) of this subsection, information obtained in the course of performing Pretrial Services functions in relation to a particular accused shall be used only for the purposes of bail determination and shall otherwise be confidential. Each Pretrial Services report shall be made available to the attorney for the accused and the attorney for the Government."

OBJECTIVE: Confidentiality of Pretrial Services information is preserved primarily to promote a candid and truthful relationship between the defendant and the Pretrial Services officer in order to obtain the most complete and accurate information possible for the Judicial Officer. Disclosure of Pretrial Services information for purposes other than determination of pretrial release, particularly for prosecution purposes, would deter defendants from cooperation with Pretrial Services officers and deprive the Court of necessary information.

The Pretrial Services report and other related information obtained during the pretrial investigation and/or pretrial supervision shall not be released to any department, government agency or anyone else unless authorized by the judicial official, CUSPO or officer as outlined in **Exhibit 1.3(a)**. If the chief's authorization is required, the officer shall submit a written request to the chief, with a copy to the supervisor, noting the defendant's name, the requesting agency, the circumstances surrounding the request and any other pertinent information. The request, with the chief's approval, will be placed in the electronic case file. To release such information places the Pretrial Services officer in a highly volatile position and could be damaging if this policy is not followed.

ACKNOWLEDGEMENT:

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Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: DISCLOSURE**POLICY****National Policy: Guide to Judiciary Policy, Volume 8 Chapter 5 (J-Net)
District Pretrial Services Manual: 2.4**

Unless authorized by confidentiality regulations or directed by a judicial officer, the officer does not disclose pretrial services information and does not release the file, report, or any other information developed during the pretrial services investigation or supervision in connection with any federal, state, or local judicial, administrative, or legislative proceeding. The prohibition on unauthorized disclosure applies regardless of whether such disclosure is sought through the direct testimony of an officer or by means of subpoena, subpoena duces tecum, or other form of judicial process. However, this prohibition does not apply when an officer's testimony is necessary to resolve a disputed factual issue relevant to a release or detention determination when there is no practical way to resolve that issue other than by reference to the information, file, or record.

Other than for the purpose of bail determination, pretrial services information is not to be disclosed except in these limited circumstances provided in the confidentiality regulations:

1. provide to the judge, colored cover page copy of pretrial report; and
2. to the defense attorney and the government attorney for release hearings or pretrial diversion considerations;
3. to probation officers for the purpose of compiling presentence reports.

DISCLOSURE NOTE: The bail report should be disclosed to all parties in the courtroom at the same time. The original and all copies of the bail report must be returned to the Pretrial Services officer after each hearing. A defense attorney or assistant U.S. attorney (AUSA) may review the bail report in the U.S. probation office after court, but will not be provided with a copy of any portion of the report, including criminal history information. The criminal history will be uploaded into ECF for viewing by the AUSA and attorney representing defendant.

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Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: CHRONOLOGICAL RECORDS

POLICY

National Policy: Guide to Judiciary Policy, Volume 8: Part C: Chapter 5 § 550

Recording Supervision Activity (J-Net)

District Pretrial Services Manual: 2.1

TACTICS/PROCEDURE

The chronological record is the means by which officers document key elements of the defendant's circumstances and the supervision process, with emphasis on the work done to accomplish the desired outcomes of supervision and the results achieved.

It is essential that these records be complete, accurate, and prepared contemporaneously to the event recorded.

The chronological record also conveys accurate up-to-date information about the case to facilitate:

- a) communication among officers and office staff who may share responsibility for the case during the period of supervision;
- b) supervisory oversight of the appropriate application of supervision statutes and policies in each individual case; and
- c) evaluation of the quality and effectiveness of program implementation at office, district, and national levels.

CHRONOLOGICAL RECORD CONTENT

The chronological record should succinctly describe the conditions of release, the level of supervision, and the supervision problems and objectives outlined in the supervision plan. It is to include only meaningful events that describe:

1. the status, conduct, and condition of the defendant;
2. the supervision activities undertaken by the officer to implement the supervision plan and respond to identified risk/need issues; and
3. key case processing events that affect the parameters of the supervision term (e.g., conditions added or removed by the court) or the supervision plan (e.g., plan staffings).

It is generally inappropriate for officers to include:

1. future events (except those to document specific officer instructions to a defendant),
2. incidental communications among office staff (e.g., e-mails between officers to schedule a home contact or a case staffing), and
3. receipt of routine documents (e.g., monthly reports from defendants or treatment providers or documentation of financial payments) that are themselves in the file unless they reflect changed circumstances or otherwise prompt officer action.

It is always inappropriate for supervisors to use the chronological record as the vehicle to document officer performance issues or to provide instruction to an officer. **Note:** Officer performance issues and supervisory instructions to an officer should be documented in the officer's file — and calendared for follow-up by the supervisory officer — rather than documented in the defendant's file.

CHRONOLOGICAL RECORD ENTRY PREPARATION

- (1) Chronological entries reflect the professionalism of the officer and are to be purposeful, precise, objective, and ready for judicial review.
- (2) The following guidance applies in preparing chronological record entries:
 - a. Make each entry both factual and pertinent.
 - b. Make each entry a clear, concise statement that describes the "who, what, how, when, why, and where" of a relevant event.
 - c. When recording contacts, summarize the purpose of the contact, the issues addressed, and, as appropriate, any action taken by the officer, the reaction of the defendant, and any change to the defendant's status.
 - d. Avoid verbatim "I said then s/he said" reporting and get to the point.
 - e. Avoid editorializing and recording unsupported personal opinions.
 - f. Do not record extraneous information that is not germane to supervising the defendant.
 - g. Do not use slang or negative terms (except as may be relevant when quoting others).
 - h. Do not use any but the most basic abbreviations (e.g., FBI, DEA, USPO, USPSO, UA) without first providing the full reference. (**Note:** For example, to avoid having to repeat the full name of a local treatment provider, give an abbreviation along with the full name the first time the provider is mentioned and then use the abbreviation alone in later references, e.g., "Mr. Jones was referred to the Glendale Substance Abuse and Mental Health Counseling Center (GCC) for outpatient services.")
 - i. Proof entries for spelling and grammar by utilizing the Spellcheck feature in PACTS.
 - j. Refer to PACTS guidelines for further guidance on recording supervision activity.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: INITIAL CASE PLANS AND REVIEWS

POLICY

National Policy: Guide to Judiciary Policy, Volume 8: Part E Chapter 4 (J-Net)
District Pretrial Services Manual: 3.1 - 3.2

TACTICS/PROCEDURE

OVERVIEW:

The purpose of supervision planning is to create an evolving, individualized, outcome-based plan of action to monitor the defendant's compliance with the conditions of release and intervene as necessary to address any identified risks. The desired outcome in all cases is the successful completion of the term of supervision during which the defendant commits no new crimes, appears in court for all scheduled hearings, and complies with all other conditions of release.

The supervision planning process begins with an initial assessment period during which officers gather information, continue to assess defendants' risk factors, and develop an initial supervision plan. The **Post-Release Intake Interview** will help to establish rapport with the defendant, and initial expectations of the roles and responsibilities of the officer and the defendant. The intake interview sets the tone for the entire period of supervision. During the interview with the defendant, the officer:

- 1) reviews the requirements of each condition of release and clarifies the potential consequences of any noncompliance with release conditions;
- 2) conduct an initial drug test, and if negative and there is no history of substance abuse, mark the Drug Treatment condition as satisfied. Leave the Substance Abuse Testing condition as active and chrono in the case plan that drug testing will not be conducted after the initial negative drug test;
- 3) provides specific information about the boundaries of any travel restrictions and how to seek permission to travel;
- 4) completes and gives the defendant a copy of the Pretrial Release Reporting Instructions (Form PS 7);
- 5) takes a photograph of the defendant (digital preferred) if one is not already available;

- 6) informs the defendant that a home assessment (**See: [Guide, Vol 8C, § 520.20](#)** (Home Contacts)) will be conducted, describes what that entails, and clarifies that additional home contacts may be made during the course of supervision; and
- 7) when applicable, advises the defendant of any third-party custodian's legal obligations (i.e., that the custodian has agreed to monitor the defendant's compliance with the court-ordered conditions of release and to notify the court and/or pretrial services of any instances of noncompliance, and that a custodian who fails to live up to these obligations faces contempt of court proceedings);

The officer records the post-release intake interview in the chronological record. The record should clearly yet concisely document the aforementioned.

The plan is to be submitted for supervisory review within 30 calendar days after the defendant is released. Supervisors who agree with the plan as submitted will approve the plan. Otherwise, supervisors are to staff the case with the officer. By either method, the initial plan is to be approved within seven calendar days of its submission.

These first **30** days of supervision are a time of intense supervision activity during which officers are to:

- (1) review all available documentation;
- (2) conduct a post-release intake interview with the defendant;
- (3) assess the defendant's residence;
- (4) develop and contact collateral sources;
- (5) implement or take steps to implement restrictive or treatment conditions (e.g., drug testing, referral for treatment evaluations or placements) (**See also: [Guide, Vol 8C, Ch 6](#)**); and
- (6) request modifications to the conditions of release as appropriate (e.g., if a third-party risk is identified, officers may need to recommend additional conditions as deemed necessary to manage that risk, such as restricting travel or personal associations or prohibiting contact with an alleged victim or witness).

The supervision process is an ongoing cycle of investigation, assessment, planning, implementation, and evaluation during which the officer is to:

- (1) investigate and assess the risk issues in the individual case;
- (2) in conjunction with the defendant, set specific objectives to be accomplished by the defendant;
- (3) develop and implement appropriate supervision strategies;
- (4) adjust swiftly and appropriately to any change in circumstances; and
- (5) evaluate the plan on an ongoing basis.

Every **6** months after the defendant's release, the officer must conduct a criminal records check, update the case plan and submit it to the SUSPO. Start records check from the last day of the previous month, go to My Action List, click "Record check alert," show action items for next 31 days, hit "update" to run record of cases due for the next 31 days. After completing the records check, place a check mark to reflect its completion;

Courtesy out cases will be reviewed by the officer and SUSPO at the regular 6-month intervals. **Detained** cases will be reviewed every **90** days by the officer (*only*) with a court docket query in ECF to check the court status. Only a chronological entry, **not** a case plan, is required for detained and courtesy out case reviews. All PACTS information must be updated on all cases being submitted for review.

ACKNOWLEDGEMENT:

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Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: SUPERVISION STRATEGIES

POLICY

National Policy: Guide to Judiciary Policy, Volume 8 Part C: Selecting and Executing Supervision Chapter 5 (J-Net)

District Pretrial Services Manual: Section 3

OVERVIEW:

- a) As the component of the federal judiciary responsible for community corrections, the Federal Probation and Pretrial Services System is fundamentally committed to providing protection to the public and assisting in the fair administration of justice. While maintaining the presumption of innocence and working under the guidance of the court, pretrial services seeks to effectively supervise persons released to its custody and thereby promote public safety, facilitate the judicial process, and reduce unnecessary detention.
- b) Pretrial services is the front door to the federal criminal justice system and has a unique opportunity to lay the foundation for each defendant's success, not only during the period of pretrial services supervision, but even beyond that time. Officers strive to work with each defendant in such a manner that this contact with the criminal justice system will be the defendant's last, thereby preventing the front door of the system from becoming a revolving door.
- c) While pretrial services has no authority over a defendant beyond the period of pretrial services supervision, it can help to lay the foundation for success by:
 - 1) Adhering to the highest standards of professional ethics;
 - 2) Employing effective supervision practices; and
 - 3) Creating effective partnerships with other criminal justice components and with the community.

TACTICS/PROCEDURE

Officers are to develop an array of monitoring and, as appropriate, assisting strategies that are sufficient, but no more restrictive than necessary, to manage identified risks and facilitate desired outcomes.

Field work should consist of, but not be limited to, a home assessment; verification of a defendant's employment; collateral contacts to assure the defendant's compliance with the release conditions; visits to drug, alcohol, and mental health facilities to monitor a defendant's performance; local records checks; and community resource contacts. Pretrial officers must conduct a home assessment on each defendant placed under Pretrial Services supervision within the assessment period and upon each change of residence.

Officers are also encouraged to conduct periodic unannounced home visits. Additionally, special emphasis should be placed on home/community visits as opposed to office visits throughout the period of pretrial supervision. The majority of an officer's contacts with higher risk defendants under supervision should be made in the field. Cases such as sex offenders may require more intensive field monitoring on a case-by-case basis.

REPORT TO PRETRIAL SERVICES

- a) Unless specified by the court, the officer must determine the frequency with which the defendant is to report to pretrial services and the type of contact (e.g., personal, telephone). The frequency and method of reporting should be based on the conditions imposed by the court and the defendant's assessed risk. The officer should also consider the defendant's situation (e.g., physically disabled, work schedule) when establishing a reporting schedule.
- b) In appropriate cases, the officer may use the Pretrial Services Supervision Report (Form PS 39) or electronic reporting (e.g., kiosks or web-based reporting) to obtain information regarding residence, employment, and contact with law enforcement. The officer should use this optional form selectively, e.g., in cases for which the officer does not have frequent contact with the defendant. It should not be used for every defendant each time he or she reports.

HOME CONTACTS

One of the most valuable activities available to an officer is the home contact, which is utilized:

- 1) as a primary strategy for verifying residence;
- 2) to maintain an appropriate level of awareness and a supervision presence to encourage compliance in higher-risk cases;
- 3) to monitor compliance with any restrictive conditions including, but not limited to, residence, associations, weapon possession, and computer; and
- 4) to establish rapport and maintain a dialogue with defendants and their families or house mates.
- 5) Home contacts and assessments are not searches. When performing a walk-through, officers may not intrude into enclosed areas such as refrigerators, drawers, or closets without the consent of the defendant.

LOCATION MONITORING

See: [18 U.S.C. § 3142\(c\)\(1\)\(B\)\(vii\) and \(xiv\)](#).

The court may impose as a condition of release that a defendant remain at his or her place of residence during specified hours. For specific guidance on location monitoring policies **See:** [Guide, Vol 8F \(Federal Location Monitoring Program \(Monograph 113\)\)](#).

TRAVEL RESTRICTIONS AND CONTROLS

The court may impose conditions that restrict a defendant's travel as deemed necessary to reasonably assure appearance and protect the community; and may require defendants who are nonappearance risks to surrender or not obtain passports or travel documents.

See: 18 U.S.C. § 3142(c)(1)(B)(iv).

- a) The court may restrict the defendant's travel to reduce the risk of nonappearance and/or danger. The officer is to provide clear instructions to defendants as to where they are and are not permitted to go; to explain the process for requesting permission to travel in advance; and to monitor compliance with the restrictions through contacts with the defendant, family, and significant others and/or use of available technologies. If a defendant requests permission to travel, officers are to investigate the legitimacy and necessity of the travel; obtain copies of the itinerary and, as appropriate, train, airplane, or bus tickets; and request the court's permission as necessary.
- b) Even when restricted travel is not a condition of release, officers should keep informed of travel plans to maintain awareness of the defendant's whereabouts and adjust supervision strategies accordingly.

SURRENDER PASSPORT OR TRAVEL DOCUMENTS

See: 18 U.S.C. § 3142(c)(1)(B)(xiv).

A. Surrender and Custody of Passports

- (1) If the court ordered the defendant to surrender the passport to the pretrial services or probation office, that office becomes the custodian of the document and should maintain the passport pending its use as evidence or until disposition of the charges. The officer should:
 - a) specify when the passport is to be surrendered;
 - b) after obtaining the passport, give the defendant a Passport Receipt (Form PS 41) containing the defendant's name, the date the passport was surrendered, the passport number, the country of origin, the defendant's signature, and the officer's signature;
 - c) retain a copy of the receipt in the case file;
 - d) if the surrendered passport is issued by the United States, submit a Notice Regarding United States Passport for Criminal Defendant (Form PS 40) to the United States Department of State (Note: A surrendered foreign passport is to remain with the respective custodian until the disposition of charges.); and

- e) if the defendant cannot locate his or her passport, require the defendant to submit an affidavit through his or her attorney stating such and notify the court and the assistant United States attorney.
- (2) If the court orders the defendant to surrender a passport to the clerk of court, the officer should verify compliance by reviewing the docket sheet or confirming with the clerk of court's staff. If the defendant was ordered to surrender a United States passport, the officer should also verify that the clerk of court submitted the notice of surrendered passport (Form PS-40) to the Department of State. If the clerk of court did not do so, the officer should.

OBTAIN NO PASSPORT

See: 18 U.S.C. § 3142(c)(1)(B)(xiv).

If the court orders that a defendant not obtain a passport while on release, the officer should submit a *Notice Regarding United States Passport for Criminal Defendant (Form PS 40)* to notify the Department of State of the court's order. When bond is exonerated and this condition no longer exists, the officer should submit the Notice Regarding Passport to notify the Department of State that the restriction no longer exists.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: SUPERVISION OF FEDERAL DEFENDANTS

POLICY

National Policy: Guide to Judiciary Policy, Volume 8-Part C: Supervision of Federal Defendants Chapters 1, 3, and 5 (J-Net)
District Pretrial Services Manual: 2.7 - 2.9

TACTICS/PROCEDURE

OVERVIEW:

Pretrial services is the primary manager of defendants placed on pretrial supervision. The officer's primary responsibility is to develop appropriate supervision strategies to implement and monitor the defendant's compliance with release conditions set by the court to reasonably assure the defendant's appearance and the community's safety. The goal in every case is the successful completion of the term of supervision during which the defendant commits no new crimes, appears in court as required, and complies with all other court-imposed conditions of release.

Officers are responsible for conducting pretrial services supervision. However, supervision does not occur in a vacuum, and, for it to be effective, supervisors, specialists, and other agencies must also be involved. As representatives of the court, officers exercise their authority judiciously, using only those supervision strategies that are consistent with the conditions of release and that are sufficient, but no more restrictive than necessary, to reasonably assure the safety of the community and the defendant's appearance in court as required. Officers are to treat all defendants, colleagues, counsel, court staff, and community partners with dignity and respect.

The manner in which an officer interacts with defendants and others can influence their perceptions of the court as an institution that dispenses justice regardless of the outcome of the case. Officers also set the tone for what a defendant may expect from others in the federal criminal justice system. An officer who acts with integrity and respect, makes expectations clear, and responds appropriately will help create positive perceptions of the judicial process and foster a more productive attitude toward any term of post-conviction supervision that may be imposed.

Every supervision activity should be related to the objectives established for the individual case. Alone and in combination, the selected activities should be those deemed sufficient, but not more restrictive than necessary, to facilitate desired outcomes. The strategies selected should also seek to maximize the strengths of the officer, the defendant, office specialists, and community resources to address most effectively and efficiently the specific types of risks identified in the individual case.

The principles of effective supervision are designed to ensure that supervision comports with the requirements and limitations inherent in statutory directives and is purposefully directed toward achieving desired outcomes. Their application in every case will also ensure that the majority of supervision resources are dedicated to those defendants who need them most in order to successfully complete their supervision in the community.

Effective supervision is:

- (a) Individualized
One size does not fit all. Effective supervision is responsive to the requirements of the individual case rather than the implementation of any standard plan or the blanket application of any strategy or tool.
- (b) Purposeful
Initial and subsequent supervision case planning should specify the objectives to be accomplished in the individual case. Every supervision activity should have a purpose that is directly related to these objectives.
- (c) Multidimensional
Effective supervision of cases that present multiple issues requires the concurrent implementation of multiple strategies. A variety of disciplines may be necessary to address the supervision issues presented by the individual defendant.
- (d) Pro-Active Implementation
Officers must be aware of changes in defendants' circumstances not only through contacts in the office with defendants, but also through contacts in the community and with collateral sources.
- (e) Responsive to Changes
Officers must respond to changes in defendants' circumstances by adjusting the level of supervision commensurate with the current level of risk in the individual case, seeking modifications to the conditions of release as appropriate.

ADMINISTRATIVE SUPERVISION - If the Judicial Official specifies that a defendant is to be placed under an administrative caseload (the least-restrictive type of supervision), supervision should be conducted by use of the Integrated Voice Recognition System (IVR).

The following supervision activities are required for cases on Administrative Supervision:

- Records checks must be conducted every 90 days;
- Chronos must be generated for all contacts;
- Case reviews are to be conducted every six months;
- Defendants who are not placed under IVR should be required to submit a PS39 Pretrial Services Supervision Report form to the address given on that form or by ERS by the fifth day of each month;

- Defendants being supervised by means of IVR will provide monthly supervision reports through the Integrated Voice Response (IVR) system within the first 5 days of each month. A letter will be generated from the IVR requesting documentation to support noted changes (employment, residence, law enforcement contact, vehicle). Copies of the change letter will be maintained in the electronic case file.
- A home assessment is required upon each change of residence and includes observation of the interior to confirm the defendant's residence; verification of who else is residing at the residence; plain view observation for evidence of contraband; and if needed, review of documentation such as rental agreements, mortgage documents, etc. to verify ownership and monthly living expenses. The designated SUSPO/designee will assign home assessments on defendants supervised by that office to a field supervision officer for completion.

COURTESY SUPERVISION standards are the same whether the defendant is supervised in the district of jurisdiction or in another district, i.e., courtesy supervision. Because a defendant is supervised by one district for another, communication and cooperation between the two districts is imperative. To begin the supervision process, the officer in the district of jurisdiction should:

- 1) before the defendant's travel, telephone the district of supervision to inform that office of the defendant and advise that a request for supervision will follow;
- 2) send a request to the district of supervision to provide courtesy supervision and, where appropriate, include supervision instructions, giving particular attention to any of the court of jurisdiction's rules regarding permissible activities or requirements for reporting to the court;
- 3) submit or verify submission of any passport notice that is required; and
- 4) without delay, send a copy of the order of release, the pretrial services report, and other pertinent documents (e.g., indictment or complaint and chronological records) to the case officer in the district of supervision;
- 5) notify the district of supervision of the dates of all judicial proceedings and should contact the district of supervision as needed to monitor the defendant's compliance with the conditions of release.

The district of supervision should:

- 1) prepare the Pretrial Release Reporting Instructions ([Form PS 7](#)), review them with the defendant, and provide the defendant with a copy;
- 2) conduct a home assessment;
- 3) assess current risks and develop and implement the supervision case plan; and
- 4) notify the district of jurisdiction in writing of all apparent violations.

NOTE: If another district requests courtesy pretrial supervision from our district but no report has been prepared (such as from the Middle District of North Carolina), advise them that we **do not** accept courtesy supervision on these cases; however, if an investigation is completed (and a report prepared) then we will accept supervision.

DUAL PRETRIAL SUPERVISION: In the event a supervised releasee or probationer is re-indicted on federal charges, the supervision officer assigned to the case will be responsible for the pretrial supervision of the defendant to include compliance with the bond release conditions. A pretrial court officer will interview the defendant and prepare a bail report for the Court. The pretrial officer will complete the PS2 and activate the case in PACTS. The case plan will be completed by the assigned supervision officer. The next home visit after release on bond will be coded as the PHA date.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: CONFIDENTIAL INFORMANT

POLICY

National Policy: Guide to Judiciary Policy, Volume 8 Part C: Selecting and Executing Supervision Chapter 5 (J-Net)

District Pretrial Services Manual: Section 3

OVERVIEW:

Persons charged with criminal offenses, awaiting adjudication of those charges, often become confidential informants for law enforcement agencies. These persons, hereinafter referred to as defendants, often are under the supervision of probation and/or pretrial services officers.

Probation and pretrial services officers are charged with assessing risk of nonappearance and danger defendants may pose, and supervising defendants released by the court under conditions of release.

The officer should ask law enforcement agents, the assistant United States attorney, and the defendant about the extent and type of the defendant's cooperation, e.g., testifying or negotiating a drug deal. If the defendant's cooperation affects his or her ability to comply with the conditions of release, the officer should discuss this with the United States attorney and defense counsel to resolve the conflict. The officer should notify the court of the conflict and, where appropriate, recommend a modification of the conditions of release.

TACTICS/PROCEDURE

UTILIZATION AS AN INFORMANT

If a defendant chooses to cooperate with the case agent, permission must be sought by the case agent from the pretrial services officer who will petition the judge in order for the defendant to be allowed to cooperate.

Pretrial officer will type the Confidential Information Request Form/Order and submit to the judge for approval and signature conventionally. The CI Form/Order will not be filed in ECF; it will be scanned/uploaded into PDIM, marked as confidential, and the original shredded after a copy is provided to SUSPO for entry into CI Database.

- (1) The Court may authorize an defendant who is under the supervision of the probation office to work as a confidential informant at the request of a law enforcement agency (herein referred to as "sponsoring agency").

- (2) As part of the request to utilize the services of the defendant, the sponsoring agency will furnish to the Court an overview of the proposed utilization. Such overview will contain the sponsoring agency's operating instructions to the defendant, the sponsoring agency's proposed administrative controls and an evaluation of the risk to the defendant and to the community, with plans to address such risk. Such overview will also state why the potential benefit to the government outweighs the risk of the defendant's reinvolvement with criminal associates.
- (3) The Court in its discretion may request the probation office to review requests from sponsoring agencies to utilize defendants as confidential informants and to provide to the Court its observations, opinion, and recommendation. In this connection, given the sensitive nature of confidential informants, it is suggested that the Court limit involvement with these cases to designated representatives of the probation office. Such representatives ideally would be the chief probation officer and supervisor or specialist with expertise in this area. In particular cases with sensitive and overriding circumstances the sponsoring agency may request that only the Court review the request. In such cases the sponsoring agency should provide the Court compelling and specific reasons why review by the probation office is not appropriate.
- (4) As part of the utilization process, a representative of the sponsoring agency is to conduct an in depth briefing with the defendant concerning his/her relationship with the sponsoring agency, the intended target(s), and the operating instructions and the conditions imposed by the Court. A representative of the probation office may attend this briefing at the discretion of the Court. At the conclusion of this meeting, a letter of agreement will be signed by the defendant, the sponsoring agency representative, and the probation office representative. The Court shall be advised by the sponsoring agency that this has occurred. A copy of the letter of agreement will be provided to the Court upon its request, where it shall remain under seal.

CONDITIONS AND OPERATING PROCEDURES

- a. The defendant shall be advised by the sponsoring agency that he/she is not to participate in any otherwise criminal activity, without the prior approval, consent, and guidance of the sponsoring agency. Otherwise criminal activity is defined as activity that would constitute a crime under state or Federal laws if engaged in by a private person acting without authority and approval of a law enforcement agency.
- b. The sponsoring agency shall take all necessary, reasonable, and possible precautions to insure the safety of the defendant and the community.
- c. During the period of the defendant's service as an informant, the sponsoring agency shall be responsible for bringing to the attention of the Court, either directly or through the probation office, any violations of the conditions of release or any changes in the conditions of the original agreement with the defendant, including any unauthorized criminal activity. The sponsoring agency will also be responsible for informing the probation officer whenever the sponsoring agency believes that the probation staff is in danger due to the activity of the defendant.

CONFIDENTIALITY OF RECORDS:

Access to any and all documents, records, or other information identifying an offender as a confidential informant shall be limited to the designated representative (s) of the probation office. Such records, documents, or other identifying data shall be maintained under strict security, under lock and key or preferably in a combination locked container. Access to the above shall be strictly limited to and controlled by the designated representative (s) of the probation office. In no instance shall any records, documents or data pertaining to an offender who is a confidential informant be flagged, marked or otherwise identified in any way which would indicate to any person normally not having access to these records or documents that the offender is serving as a confidential informant.

TERMINATION:

At the conclusion of the period of authorization, the sponsoring agency shall advise the defendant in writing that such authorization has been terminated and that he/she is no longer authorized to act as an informant for the agency. The defendant shall acknowledge in writing receipt of this notification. The sponsoring agency shall also notify the Court, either directly or through the probation office, that the use of the defendant has been terminated.

Note: Confidential informants on administrative supervision are not eligible for IVR and will be required to submit a monthly pretrial services supervision report to their assigned officer within our district, according to where the defendant resides.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: BONDS

POLICY

**National Policy: Guide to Judiciary Policy, Volume 8 Chapter (J-Net)
District Pretrial Services Manual: 2.5**

The following types of bonds are used in federal courts:

PERSONAL RECOGNIZANCE: A person is released on his/her own recognizance, or promise, to reappear for all court proceedings and to not violate any laws.

UNSECURED APPEARANCE: A monetary amount is set by the Court and is secured only by signature of the defendant. If defendant fails to reappear, the Government can attach personal property to recover the cost of the unsecured bond.

THIRD-PARTY CUSTODY: The defendant is placed in the custody of another person who monitors the defendant's activities to ensure compliance with the conditions of release. The third-party custodian must notify the Court if the defendant violates any conditions of release.

To determine the suitability of a potential third-party custodian, the following steps should be taken: (1) Interview the potential custodian; (2) Perform a criminal record check as defined in Chapter 3.4, chrono same, and shred upon completion; and (3) When appropriate, make a home visit to verify the suitability of the residence. The above information shall also be added to the Pretrial Services Report (if prior to the hearing).

Officers must maintain contact with the third-party custodian to ensure the defendant is in compliance with the conditions of release and to assure the custodians are aware of the defendant's actions and whereabouts. Officers must complete a criminal records check on the third-party custodian(s) if a check was not conducted prior to the defendant's release on bond.

SECURED BOND: This is a specific dollar amount, usually secured by property or some other form of collateral (car title, cash, etc.) owned by the defendant, relatives or others. If the defendant fails to appear, the government may seize the property to cover the amount of the bond.

Another form of secured bond is a "percentage" bond, where the defendant is required to post a percentage of a total amount.

CORPORATE SURETY: A defendant may seek a surety for the bond through a bondsman or surety company.

The Order Setting Conditions of Release form will show the type of bond under which the defendant is released. This order will also list the conditions of release.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: BOND VIOLATIONS

POLICY

National Policy: Guide to Judiciary Policy, Volume 8: Chapter 7: Managing Noncompliant Behavior (J-Net)
District Pretrial Services Manual: Chapters: 3.9, 3.10, 3.11

TACTICS/PROCEDURE**OVERVIEW:**

Under [18 U.S.C. § 3154\(5\)](#), officers must inform the court and the United States attorney of all apparent violations of pretrial release conditions, arrests of persons released to . . . or under the supervision of providers of pretrial services, and any danger that any such person may come to pose to any other person or the community, and recommend appropriate modifications of release conditions."

Unless otherwise directed by the court, this does not mean that the judicial officer and United States attorney need be notified every time a defendant does not comply with the officer's instructions. Although officers are to intervene in every instance of noncompliance — *no matter how minor* — they have discretion to report or not report acts of technical noncompliance that, after investigation, they assess to fall in the "lower-risk" tier of the framework. Examples of these are a missed appointment or a minor curfew violation or other non-recurring lower-risk violations (See: [§ 730.20.10\(a\)](#)) that have been or are being resolved by officer interventions undertaken under the authority provided by current conditions. Officers should seek the advice of the supervisor or specialists if there is any question about whether to report a violation.

Conversely, the officer is to immediately advise the court and the United States attorney if the defendant is arrested or, after a timely investigation, assessed to have engaged in conduct that constitutes an apparent violation that poses a higher risk of nonappearance or danger to the community (See: [§ 730.20.10\(b\)](#)). The conditions of release establish the behavioral limitations with which the defendant must comply. Defendant actions that do not conform to the conditions of release constitute noncompliant behavior. Management of noncompliant behavior is critical to effective supervision and to the reduction of unnecessary detention.

Noncompliant behavior may consist of new criminal activity, failure to appear for court hearings, or failure to meet the requirements of other conditions, commonly known as a technical violation. Because noncompliant behavior can take many forms and may or may not entail substantial safety concerns, officers should be particularly attentive to the thoroughness and objectivity of their assessment, the judicious exercise of their authority, and their professional demeanor when addressing noncompliance with defendants.

All responses are to be sufficient, but not greater than necessary, to bring this individual defendant into compliance.

PROCEDURES

Officers are expected to take the following actions in response to noncompliance:

- (1) Intervene with both risk control strategies to hold the defendant accountable and to deter further noncompliance, and also with risk reduction strategies to help prevent further noncompliance and to promote success during the period of supervision. [See: § 730.20 \(Assess and Plan for Supervision Interventions\)](#).
- (2) Once officers become aware of an apparent violation, they are to immediately conduct a thorough investigation by obtaining relevant documentation and interviewing appropriate parties to verify the information received and explore the context. Activities may include contact with the defendant, defense counsel, law enforcement, and other relevant parties. As required, report violations to the court and the United States attorney and recommend action proportionate to the degree and level of noncompliance. [See: § 740 \(Reporting\)](#).
- (3) Document the noncompliance and each of the above actions in the chronological record. [See: § 750 \(Documentation\)](#).

A defendant who violates one or more of the conditions of release is subject to modification of conditions, a revocation of release, an order of detention, and prosecution for contempt of court.

If action is warranted as a result of a violation, there are two options available for reporting the violation:

a) Consent to Modify Conditions of Release

Under 18 U.S.C. § 3142(c)(3) authorizes the Court to amend the release order at any time to impose “additional or different conditions of release.”

Under 18 U.S.C. § 3148(b), the attorney for the government may initiate a revocation proceeding by filing a motion with the court. Judicial officers are to enter an order for revocation and detention if, pursuant to a hearing, the court finds:

- i. that there is probable cause to believe the defendant committed a crime while on release or clear and convincing evidence of any other violation, and
- ii. that there is no condition or combination of conditions that will assure that the person will not flee or pose a danger or that the defendant is unlikely to abide by any condition or combination of conditions.

If it is decided the bond conditions need to be modified as the result of a violation or changed circumstance, and the defendant consents to the modification, officers should prepare both a PS42 Request to Modify Conditions of Release and PS42A Consent to Modify Conditions of Release.

Consult with the AUSA assigned to the case to determine whether they concur with the proposed modification.

If the AUSA does not object, prepare both the “Request and Consent to Modify Conditions of Release” forms. On the PS42A, obtain the signatures of the defendant, pretrial services officer (as witness), and the defense counsel (if the modification is more restrictive than the original conditions). If the modification will benefit the defendant, there is no need to obtain the signature of the defense counsel. On the PS42, both the USPO and SUSPO signatures are electronic. If the AUSA does object to the modification, there are two options:

- (1) advise the defendant to consult with their attorney to consider filing a defense motion or;
- (2) proceed with the modification request noting the AUSA’s objections and reasons.

b) Violation Report (Summons/Warrant Requested)

Title 18 U.S.C. § 3154(5), states that **all** apparent violations of the conditions of release shall be reported to the Court and the U.S. attorney. However, the Pretrial Services officer maintains some degree of discretion in determining apparent violations, particularly regarding minor deviations of conditions of release. The Court and the U.S. attorney may desire not to be notified of minor deviations from the conditions of release that could be resolved by the officer. **Note: All violations must be staffed with your SUSPO.** Each instance of noncompliance, and the response to that noncompliance, must be documented clearly and concisely in the chronological record. The entry is to identify the nature of the noncompliance, as well as the required risk control and risk reduction elements of the intervention.

VIOLATION REPORT FOR THE COURT

A violation report to the court should include:

- a) the defendant's release status, the date the conditions were ordered, the name of the judicial officer who ordered them, and the type and date of the next scheduled court hearing;
- b) a complete description of the facts regarding the apparent violation or changed circumstances;
- c) a summary of the defendant's compliance with release conditions, including the results of a criminal record check;
- d) a summary of the officer's activities to address and resolve the defendant's noncompliant conduct; and
- e) a recommendation.

1) No Judicial Intervention Requested

Would be the appropriate recommendation in those cases where the officer's interventions permitted under current conditions are considered sufficient to bring the defendant into compliance.

2) Request for Modification of Conditions

Would be the appropriate recommendation when the defendant is not in compliance, and the officer's attempts to bring the defendant into compliance have not been successful, but additional conditions have been identified that the officer believes are sufficient to reasonably assure the defendant's appearance and community safety.

3) Request for Revocation

Would be the appropriate recommendation when the officer determines that no modification of conditions can reasonably assure the safety of the community and the appearance of the defendant. (For revocation procedures, [See: 18 U.S.C. § 3148\(b\)](#).) When requesting a violation hearing, the officer should also request either that the court issue a summons to appear or an arrest warrant. Warrants should only be requested when there is an immediate risk of danger or nonappearance, or when it is believed that the defendant will not appear voluntarily. Revocation is a last resort to be used when community-based alternatives have been deemed ineffective or insufficient to reach the desired outcomes of supervision. Officers are encouraged to staff cases with specialists and the supervisor, particularly before recommending revocation.

NEW LAW VIOLATIONS:

All "new law" violations, excluding infractions, will be reported to the Court. If the officer does not want to request any action as a result of the violation, the violation is to be reported by use of the form entitled "Notification of New Law Violation/Arrest of Pretrial Defendant" (Homepage/Forms & Policies/Pretrial Forms/ Notification of New Law Violation). The form will be docketed by the USPO/clerk in ECF. A copy will be provided to the defendant. The New Criminal Charges Module in PACTS is to be updated.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: CASE TERMINATION

POLICY

**National Policy: Guide to Judiciary Policy, Volume 8 Chapter 4 (J-Net)
District Pretrial Services Manual: 4.4**

The officer should close a case within 7 working days after a defendant is detained or receives probation, dismissal, acquittal, voluntary surrender, or dies. In cases involving voluntary surrender, the officer will verify the defendant's surrender to the institution and then close case within 7 working days after the surrender date.

The officer must complete a final criminal records check as required in Section 3.4 of this manual and enter a closing summary in the chronos on each case. The closing summary must include an assessment of the defendant's release, performance, compliance with special conditions and Pretrial Services supervision; and if applicable, dispositional court events and the results of the final records check. Once complete, the officer should advise the clerk/probation tech to proceed with closing.

CLOSING COURTESY IN CASES

A Courtesy In case should be closed within 7 working days of notification of the requesting district. The officer must complete a final records check and closing summary in the chronos as outlined above. The officer will notify the requesting district of the closing by letter or email, and the clerk/probation tech will close the case and send the chronological record to the requesting district.

CLOSING FUGITIVE CASES

All fugitive cases should be statistically closed 90 days from the date of the warrant. Once the 90-day time period has elapsed, the officer should advise the clerk/probation tech to proceed with closing.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

TASK: PSX BAIL REPORTS

POLICY

National Policy: Guide to Judiciary Policy, Volume 8: Part A: Pretrial Services Investigations, Chapter 4 (J-Net)
District Pretrial Services Manual: 2.4

TACTICS/PROCEDURE

OVERVIEW:

- a) The Bail Report is a document prepared for United States Magistrate and District Judges prior to the pretrial release hearing in which the officer presents information relevant to the defendant's risks of nonappearance and danger to the community. This information not only helps the court determine whether to release or detain the defendant pending trial, but is also used for supervision, presentence investigation, and Bureau of Prisons purposes.
- b) The officer gathers and verifies information from a variety of sources, and the sources are identified in the report. This enables the reader to distinguish what information was obtained from what source, e.g., the defendant or a collateral source. The officer does not use blanket statements of verification at the beginning or end of the report as this may confuse the reader as to who said what and lead the reader to believe that all of the information was verified when it may not have been.
- c) Not all information obtained about a defendant is included in the report. Only information relevant to appearance and danger and necessary for bail determination or supervision is contained in the report. For example, for a youthful defendant, the defendant's high school location and graduation date could be relevant because they indicate the defendant's ties to the community. School information would not be relevant to a middle-aged defendant's ties to the community. The officer records all information in the case file, but describes only appearance and danger information in the report.
- d) A pretrial services report is written to stand on its own merit. The officer should not have to explain or further supplement it unless new information is received. The court may consult with the officer to clarify information, but such clarification should not require elaboration or formal testimony. [See: § 470 \(Testimony by Pretrial Services Officers\).](#)

The Pretrial Service Reports are first generated within PACTS. ([CRIMINAL HISTORY \(PSX\) ▶ New Pretrial Interview/Bail Report](#) or [PRETRIAL SERVICES ▶ Pretrial Interview/Bail Report \(PSX\)](#)) and then populated into a Word document for completion. The front page contains spaces for providing identifying information about the district, judicial officer, docket information, and the offense charged. The body of the report follows in six defined sections. The report concludes by identifying the officer who prepared the report and the date the report was prepared.

The body of the report is divided into six sections:

- 1) Defendant History / Residence / Family Ties
- 2) Employment History / Financial Resources
- 3) Health / Mental Health / Substance Abuse
- 4) Criminal History
- 5) Assessment
- 6) Recommendation

NOTE: See **Clerical section** of the Pretrial District manual for complete details on creating bail reports in Word.

A **FULL** bail report is prepared in all cases except as described below:

MODIFIED INVESTIGATION AND REPORT:

In some cases, it may be possible to make an assessment of the defendant's risk to the community and risk of nonappearance without the benefit of a comprehensive investigation. In cases where the officer has conducted a modified pretrial services investigation, the officer should prepare a **MODIFIED PRETRIAL SERVICES REPORT**. These pertain to defendants who are determined to be illegal aliens. The content of the report is limited to the automated record check and any inquiry with U.S. Immigration and Customs Enforcement (ICE).

NOTE: If the defendant is determined to be an illegal alien, no interview occurs. A **MODIFIED REPORT** will be prepared, including only the ICE and criminal records checks. However, there are limited times when the defendant's attorney asks that the defendant be interviewed and the outcome is favorable for release. Treat these cases on an individual case-by-case basis. (*See Video ▶ Pretrial-Share Demonstration Modules PSX Bail Report-Modified*)

NOTE: No bail report is required, if a defendant's appearance in court is pursuant to a Writ of Habeas Corpus and it has been determined the defendant is serving a sentence and is not eligible for release within 90 days of arrest for the instant offense. However, a full criminal history check is required on all writ cases regardless of ineligibility of release within 90 days. Additionally, the criminal history must be entered into the Criminal History Module in PSX.

INVESTIGATION AND ABBREVIATED REPORT:

A full investigation will result in an **ABBREVIATED REPORT** in the case types listed below:

- **SUMMONS CASES:** When a defendant's appearance in court is the result of a summons;
- **POST RELEASE CASES:** When a defendant has been released under Pretrial Services supervision without a Pretrial Services Report prepared for the Court;
- **CERTAIN CLASS A MISDEMEANOR CASES:** Class A Misdemeanor cases that are not crimes of violence, sexual offenses, or drug offenses

ADDENDUM:

A Rule 5 transfer refers to a defendant who is arrested in a district other than the district in which the offense was charged. The officer in the arresting district forwards the case information to the district of prosecution immediately following the order of removal. Upon receipt of a Rule 5 transfer, the officer in the district of prosecution may collect and verify additional information as needed to update the report prepared by the district of arrest. The officer may need to interview the defendant and make an independent assessment and recommendation before the defendant's initial court appearance. If the officer needs to add additional information or correct erroneous information, and/or makes any changes in the recommendation (including adding/deleting a condition), an **ADDENDUM TO THE PRETRIAL SERVICES REPORT** will be prepared. The officer submits an addendum with the original report so that all information gathered during the investigation is presented to the judicial officer.

If the pretrial officer concurs with the arresting district's recommendation and no revisions are necessary, the clerk will prepare the Rule 5 In PSA Confidential Cover Sheet indicating same. Attach atop the original pretrial services report. The Rule 5 In Addendum Bail Report shall list *all* criminal history *as superseded*.

Before the Pretrial Services Report Addendum is prepared, the Pretrial Services Report first must be finalized, unless the addendum is prepared for a Rule 5 In case. If the Bail Report Addendum is for a Rule 5 In case, a "New Pretrial Interview/Bail Report" must be created in PSX before populating over to a Word document (see end of chapter for details); upon completion in Word, delete the bail report draft link in PSX.

NOTE: After the defendant is released, if the officer determines there are risk factors the Court should be made aware of, the officer will forward a copy of the Pretrial Services Report and/or addendum (if appropriate) to the Court under cover of memo. (Exhibit 2.4(b)). Before submitting the information to the Court, the officer will consult with the court officer to be sure the information was not introduced at the time of the release. No copies of the memo or report will be distributed to the AUSA or defense counsel unless a bail review hearing is held. This memo and report will be sent to the Court as an email attachment and not filed in CM/ECF.

ACKNOWLEDGEMENT:

The above was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and successfully completed to the trainer's satisfaction on this date.

Trainee: _____ Date: _____

FTO/Designated Trainer: _____

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
1	IT OVERVIEW <ul style="list-style-type: none"> Review of Internal website <ul style="list-style-type: none"> Help Desk IT tab and tutorials Review of External website Lotus Notes Passwords Working Remotely (personal hotspot, steps for accessing documents from home, etc.) 	<ul style="list-style-type: none"> WDNC IT Internal Controls Manual (Website – Guides & Manuals) 	IT & FTO				http://www2.ncwd.circ4.dcn/pr/manuals/Guides_and_Manuals_Library/WDNC%20IT%20Internal%20Controls.pdf
2	MICROSOFT WORD <ul style="list-style-type: none"> General overview of Ribbon & Tabs Templates Naming documents Directories for saving documents 		FTO				
3	ECF/PACER <ul style="list-style-type: none"> Search Local cases Search Out-of-District cases Search Bankruptcy records 	Tutorial on District Court webpage	FTO				
4	WESTLAW/LEXISNEXIS	<ul style="list-style-type: none"> Westlaw on-line tutorial NCWP website > useful links > legal resources > LexisNexis Take a Tour YouTube – LexisNexis tutorial 	FTO				www.westlearning.com http://web.lexis.com/help/multimedia/delect.asp?sPage=mom
5	ATLAS (NCIC)	SOSO Manual, Ch. 12	TAC				Training/testing required; signed policy

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
6	CJLEADS	CJLEADS webinar (must be scheduled by CJLEADS Administrator)	FTO & CJLEADS Administrator (Clerk)				
7	CIS (AOC) * See Task Sheet – Accessing NC Criminal Records* <ul style="list-style-type: none"> Global (statewide) record check vs. county record check Local identification (LID) number is different for every county (fingerprints) Search by case number, SID number, LID number 	<ul style="list-style-type: none"> National Directory webpage > NCWP (Charlotte) CIS Administrator (must obtain password for new hire) 	FTO				Need password (need officer password rights to see all information)
8	JABS <ul style="list-style-type: none"> General overview of report 		FTO & Clerk				
9	NC DOC <ul style="list-style-type: none"> Prison and Probation Records 	<ul style="list-style-type: none"> NCWP website > Useful Links > Criminal Justice Resources 	FTO				Monthly shared password www.doc.state.nc.us/offenders/
10	ACCURINT <ul style="list-style-type: none"> Useful for financial investigations <ul style="list-style-type: none"> Property records Licenses Tax Records Liens and judgments 	On-line tutorial	FTO				www.lexisnexis.com Password protected
11	KBCOPS (CMPD only) <ul style="list-style-type: none"> Arrest reports All police contact Gang information Traces on firearms 	<ul style="list-style-type: none"> See designated officers NCWP Website > Quick Links > KP Cops Login 	FTO				Use Firefox search engine only

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
12	CREDIT REPORT * See Task Sheet - Credit Report* <ul style="list-style-type: none"> Review policy How to access Where to locate on website How to interpret report <ul style="list-style-type: none"> Judgments & Liens Past due accounts Accounts (collection/charged off) Child Support 	<ul style="list-style-type: none"> District Presentence Manual, Section 2.B 	FTO				
13	PACTS <ul style="list-style-type: none"> Client Summary My Cases Chronos PDIM Reports Portal to External Resources (National Client View, BOP, ICE Online Detainee Locator) 	<ul style="list-style-type: none"> District Presentence Manual, Sections 2.B, 2.D, 2.H Web site- PACTS tab 	FTO				
14	OVERVIEW OF FEDERAL COURT SYSTEM <ul style="list-style-type: none"> Individual units and functions 	AO website/Wikipedia	SGS				

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
15	<ul style="list-style-type: none"> • STATUTORY AUTHORITY (RULE 32) • LAYOUT OF STATUTE BOOK • LAYOUT OF GUIDELINES MANUAL • <u>THE GUIDE</u> 	<ul style="list-style-type: none"> • Statutory Book • <u>Guidelines Manual</u> • Guide to Judiciary Policy, Vol 8, Pt D: Presentence Investigation Report (Monograph 107) 	SGS				
16	<p>OVERVIEW AND OBSERVATION OF PRETRIAL PROCESS (PLEA/VERDICT)</p> <p>**One (1) day in Court**</p> <ul style="list-style-type: none"> • Initial Arrest • Role in Initial Appearances/Detention Hearings (if applicable to location and during round ups) • Interview • Explanation of Round Ups • Brief overview of bail report <p>*New Hire will create a bail report*</p> <p>** See Task Sheet in Pretrial Section – PSX Bail Reports**</p>	District Presentence Manual, Section 2.A	Court Officer/FTO				

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
17	OVERVIEW OF PRESENTENCE INVESTIGATION/REPORT <ul style="list-style-type: none"> General Case Law 	<ul style="list-style-type: none"> District Presentence Manual, Section 2.B Guide to Judiciary Policy, Vol 8, Pt D: Presentence Investigation Report (Monograph 107) 	SGS				
18	ASSIGNMENT PROCESS <ul style="list-style-type: none"> Report Types Due Dates/Time Frames Codefendants Judge Assignments 21-day Assignment (tracking and follow-up) 	District Presentence Manual, Sections 2.B, 2.C, 3.A, 4.A, 5.A and 6.A	SUSPO				
19	CLERK WORKUP <ul style="list-style-type: none"> Factual Basis Conversion Emails Form 14s Checklist Disclosure Tracking Sheet 21-day Tracking (Plea Forms) 	District Presentence Manual, Sections 9.B to 9.F	Assigned PSI clerk				

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
20	RECEIPT AND REVIEW OF FILE <ul style="list-style-type: none"> Organize File Review Judges' Conflict List Review Judges' Do and Don't List Request collaterals Request additional 14s Request victim information Record checks 	PSI Manual	FTO				
21	GOVERNMENT'S RESPONSIBILITY <ul style="list-style-type: none"> Factual Basis Discovery Victim Information <ul style="list-style-type: none"> Victim Witness Coordinator & VNS 	<ul style="list-style-type: none"> District Presentence Manual, Sections 2.C Misc. Order 3:14MC5 	FTO				
22	OBTAINING DISCOVERY/ FACTUAL BASIS <ul style="list-style-type: none"> Follow-up email if necessary Contact list of AUSAs & legal assistants Printing discovery 	<ul style="list-style-type: none"> District Presentence Manual, Sections 2.B and 2.C Website – Instructions for printing discovery 	FTO				
23	VICTIM LETTERS <ul style="list-style-type: none"> Follow-up Emails Mail to victims Tracking sheet 	District Presentence Manual, Section 2.B	FTO				Discuss disclosure of the information received, including how it is used in the PSI (juveniles, personal information, etc.)

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
24	PLEA AGREEMENTS <ul style="list-style-type: none"> • Types of PA <ul style="list-style-type: none"> ○ 11(c)(1)(B) – Non-Binding ○ 11(c)(1)(C) - Binding • PA Stipulations (ex: drug amounts, loss amount, restitution, etc.) • Judge Preferences (drugs, plea agreements, 851, etc.)/Directive 	District Presentence Manual, Section 2.C	FTO				
25	REVIEW CRIMINAL HISTORY <ul style="list-style-type: none"> • Old PSRs <ul style="list-style-type: none"> ○ Docushare ○ PACTS ○ Old disks • NCWP Sentencing Cards • Send additional collaterals, if needed <ul style="list-style-type: none"> ○ In-District ○ Out-of-District • CJLEADS, CIS/AOC, KBCOPS, ATLAS, DOC, SENTRY, JABS, DMV, U.S. District Court, U.S. Bankruptcy Court, PACTS National Database • Collateral Responses from Out-Of-District (out-of-state and Interpol records) • Juvenile Records <ul style="list-style-type: none"> ○ NCWD Juvenile Order ○ Review Mecklenburg County records request 	District Presentence Manual, Section 2.B (Automated Resources)	FTO				<p>Charlotte Office has Mecklenburg County state records on microfiche for years 1989 to June 5, 1995.</p> <p>http://www.doc.state.nc.us/offenders/</p>

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
	<ul style="list-style-type: none"> • NC Structured Sentencing Act <ul style="list-style-type: none"> ○ PowerPoint available on website (training page) • Case law issues <ul style="list-style-type: none"> ○ Simmons Opinion ○ Davis Opinion ○ Case law cheat sheet • State courthouse <ul style="list-style-type: none"> ○ access/key for copier ○ Microfilm and old records (books) ○ Pulling files (available vs. purged records – county specific) ○ Policies specific to courthouse location • Gang Information (if referenced in DOC records, etc.) 						

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
26	WORKSHEETS <ul style="list-style-type: none"> Individuals Worksheet <ul style="list-style-type: none"> Criminal History scoring Multiple Counts Organizational Worksheet 	USSC website (Education & Training > Online Learning Center > Introduction to Federal Sentencing Guidelines - Worksheets for Individuals) Education & Training > Online Learning Center > Introduction to Federal Sentencing Guidelines – Chapter 8 - Worksheets for Organizations)	SGS/FTO				http://www.ussc.gov/Education_and Training/Online Learning Center/Supporting Materials/Worksheets for Individuals.pdf http://www.ussc.gov/Education_and Training/Online Learning Center/Supporting Materials/Worksheets-for-Organizations.pdf
27	INTERVIEW PREP WORK <ul style="list-style-type: none"> Locating defendant (VINE Link, Mecklenburg County Jail and other local county jail websites) Attorney notification Plea forms (completed by defendant – NCWP Public website) <ul style="list-style-type: none"> Personal & Family History Background Financial Affidavit Release of Information Acceptance of Responsibility 	<ul style="list-style-type: none"> District Presentence Manual, Section 2.B VineLink website NCWP Public Website NCWD website (Clerk's Office Tab > Applications Section > Court Interpreters Query) SOSO Manual, Section 5.1 	FTO				https://www.vinelink.com/vinelink/initMap.do http://www.ncwd.uscourts.gov/search-court-interpreters

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
	<ul style="list-style-type: none"> • Obtain credit report, if applicable • Interpreters (check certified interpreter list first) • Property search/financial verification (Accurint, County GIS website, etc.) • Medical release forms (HIV,etc.) • Review Prob 14s for verification purposes • Copy of Factual Basis, Indictment and other Court documents for file • Jail Access & Reservations (if necessary) 						

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
28	INTERVIEW <ul style="list-style-type: none"> Review P2 form and/or personal history form Sign releases (including HIV release), if applicable Review Financial Affidavit Review Credit report, if applicable Review Criminal History Teleconference/ videoconference Acceptance, if applicable (no form submitted) Jail access Observe interview Interpreter form Refusal to discuss substance abuse, mental health Refusal to answer questions regarding entry into US Refusal to be interviewed 	District Presentence Manual, Section 2.B	FTO				
29	PSX/WORD DOCUMENT <ul style="list-style-type: none"> PSI/PSR Templates 	<ul style="list-style-type: none"> PSX Manual Word Tutorial, if needed Word templates 	PSX Expert				All work (GL calculations – cross references, etc.) must be shown in WORD. PSX does not allow a cross reference to be entered if less than the calculated offense level. However, district procedure requires that all work be shown in the PSR. If a cross reference is appropriate but not applied because “the offense level is less than what is determined above,” the officer must add the information to the WORD document.

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
30	FACE SHEET <ul style="list-style-type: none"> Accurate release information Review all identifiers 	Guide to Judiciary Policy, Vol 8, Pt D: Presentence Investigation Report (Monograph 107), § 325	FTO				
31	PART A <ul style="list-style-type: none"> Charges & Convictions <ul style="list-style-type: none"> Date of charging document, type of charging document Notice of Forfeiture Date of plea/verdict, type of plea/verdict Plea Agreement provisions Extra Language: 851 Notice, Illegal Alien, Accelerated, & Consent Order of Forfeiture Pretrial Adjustment <ul style="list-style-type: none"> Review PDIM, chronos, and drug tests on released defendants (PACTS Module) / discuss adjustment to supervision with supervision officer 	Guide to Judiciary Policy, Vol 8, Pt D: Presentence Investigation Report (Monograph 107), § 330	SGS/FTO				

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
	<ul style="list-style-type: none"> • Offense Conduct <ul style="list-style-type: none"> ○ Review discovery <ul style="list-style-type: none"> ▪ Contact agent(s), if necessary to answer questions ○ Factual Basis • Offense Behavior Not Part of Relevant Conduct • Victim Impact <ul style="list-style-type: none"> ○ do not include a child victim's name ○ victim impact statements • Obstruction of Justice • Acceptance of Responsibility • Court's Directive • Completion of Worksheets • Offense Level Computation <ul style="list-style-type: none"> ○ Read all application notes ○ Case law cheat sheet ○ Show all work in Word (cross reference) 						

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
32	PART B <ul style="list-style-type: none"> • Right to Counsel • Juvenile Adjudications • Adult Criminal Convictions <ul style="list-style-type: none"> ○ Explanatory paragraphs • Criminal History Computations • Other Criminal Conduct • Pending Charges • Other Arrests • Case Law <ul style="list-style-type: none"> ○ Simmons Opinion ○ Davis Opinion ○ Case law cheat sheet • Categorical Approach • Modified Categorical Approach <ul style="list-style-type: none"> ○ Specific Case Law 	<ul style="list-style-type: none"> • Right to Counsel Document (Presentence webpage > Presentence documents) • District Presentence Manual, Section 2.C – Report Format, Criminal Convictions • Guide to Judiciary Policy, Vol 8, Pt D: Presentence Investigation Report (Monograph 107), § 335 	SGS/FTO				http://www2.ncwd.circ4.dcn/pr/present/Presentence%20Documents/RIGHT_TO_COUNSEL.pdf Training materials are available on the USSC Website for Categorical and Modified Categorical Approach

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
33	PART C <ul style="list-style-type: none"> • Personal and Family Data <ul style="list-style-type: none"> ○ Birth & family data (parents, siblings, marriages, children, etc.) ○ Family contact for verification (as needed) ○ Child support information ○ Prior and current living situation ○ Gang Information • Physical Condition <ul style="list-style-type: none"> ○ Medical records ○ HIV – how to denote in PSR (release required) • Mental & Emotional Health <ul style="list-style-type: none"> ○ Prior sex offender treatment, if applicable • Substance Abuse • Education • Employment <ul style="list-style-type: none"> ○ Social Security Administration Detailed Earnings Statement, if applicable • Military Information • Financial Information <ul style="list-style-type: none"> ○ Net Worth ○ Monthly Cash Flow 	Guide to Judiciary Policy, Vol 8, Pt D: Presentence Investigation Report (Monograph 107), § 340	FTO				

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
34	PART D <ul style="list-style-type: none"> • Impact of Plea Agreement: <ul style="list-style-type: none"> ○ Drug Quantities ○ Effect of Dismissed Counts ○ Withdrawal of 851 ○ Effect of other stipulations • Supervised Release term specific to sex offenses cases / life term (District instructions) • Restitution <ul style="list-style-type: none"> ○ Can be different than loss ○ Contact with Victim/Witness Coordinators & AUSAs ○ Review 18 U.S.C. § 3664(j)(1) ○ Restitution specific to sex offenses or other specific statutes • Community Restitution <ul style="list-style-type: none"> ○ Only applies in drug cases (Possession or PWID). Does not apply to drug conspiracy cases. • Denial of Federal Benefits <ul style="list-style-type: none"> ○ Applies in drug cases only 	<ul style="list-style-type: none"> • Guide to Judiciary Policy, Vol 8, Pt D: Presentence Investigation Report (Monograph 107), § 345 • District Presentence Manual, Section 2B (Victim/ Restitution) • Monograph 114 (Criminal Monetary Penalties) 	FTO				

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
35	PARTS E and F <ul style="list-style-type: none"> Departures <ul style="list-style-type: none"> USSC has <i>Compilation of Departure Provisions</i> available Notice of contemplated departure to parties per Rule 32 (often in PSR) Variances <ul style="list-style-type: none"> Must be staffed with SUSPOs and DCUSPO 	<ul style="list-style-type: none"> Guide to Judiciary Policy, Vol 8, Pt D: Presentence Investigation Report (Monograph 107), §§ 355 and 360; District Presentence Manual, § 2C (Variances Issues) 	FTO				
36	PSRS WITH PRIOR SEX OFFENSE <ul style="list-style-type: none"> Consult with Supervision Sex Offender Officers and/or Presentence Sex Offender Officers Obtain prior sex offender assessment, if available Prior conviction for sex offense <ul style="list-style-type: none"> recommend mental health assessment (allows for future psycho-sexual assessment, if applicable) 	District Special Offenders and Special Operations Manual, Section 4.1 (Guidelines for Presentence)	FTO				

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
37	RECOMMENDATION <ul style="list-style-type: none"> Confidential document for Judge only – should not be disclosed to any other parties. Justification for Sentence <ul style="list-style-type: none"> Every aspect of the recommended sentence must be justified (i.e., sentence of imprisonment, fines, special conditions) Special templates for Sex Offense and Illegal Reentry 	Guide to Judiciary Policy, Vol 8, Pt D: Presentence Investigation Report (Monograph 107), Chapter 5	FTO				
38	CONFIDENTIAL VICTIM RESTITUTION LIST <ul style="list-style-type: none"> Discuss when to prepare Discuss procedures during and following sentencing hearing (confirm restitution amounts, initial document, submit to PSI clerk for filing) 	District Presentence Manual, Sections 2B and 9.M	FTO				

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
39	SUSPO REVIEW OF DRAFT PSR * See Task Sheet – SUSPO Review of Draft PSR* <ul style="list-style-type: none"> Update/Review Client Profile in PACTS Enter in PSX the date that draft PSR is submitted to SUSPO Chronos / Print Chronos Corrections <ul style="list-style-type: none"> Make corrections / disclosure a priority Notes/Conference with SUSPO 	District Presentence Manual, Sections 2D and 2H	SUSPO/ FTO				
40	ADDENDUM/FINAL PSR <ul style="list-style-type: none"> Responding to Objections <ul style="list-style-type: none"> Discuss timeframes Extensions must be approved by Court Case law cheat sheet Monitor ECF 	<ul style="list-style-type: none"> District Presentence Manual, Section 2F; Guide to Judiciary Policy, Vol 8, Pt D: Presentence Investigation Report (Monograph 107), Chapter 4 	FTO				Resource: Federal Sentencing Guidelines Handbook (“Gray book”) Sample Objections

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
41	SUPPLEMENT PRIOR TO SENTENCING <ul style="list-style-type: none"> Updates since filing of the Final PSR (new arrests, status of co-defendants for Judge Conrad, update to pending charges, new information or miscellaneous updates) SUSPO review/file in ECF 	District Presentence Manual, Section 2.G	FTO				Supplements are sometimes necessary; however, revised PSRs are the preferred method.
42	SENTENCING CALENDAR PROCESS <ul style="list-style-type: none"> Review of Calendars Requesting Coverage or Covering sentencings for other officers Distribution - clerical 	District Presentence Manual, Section 9K (Clerical)	SUSPO/ Clerk				

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
43	SENTENCING HEARING PREP WORK * See Task Sheet – Sentencing Hearing Preparation* <ul style="list-style-type: none"> Review ECF for recent filings/memorandums <ul style="list-style-type: none"> New objections must be addressed if submitted in a Sentencing Memorandum Record Check – released defendants/pending charges Review outstanding objections Discuss materials needed for Court (correct guidelines manual, sentencing packet, file, calculator, court rolling cart) Notify supervision duty officer and/or clerk of possible probation cases Be prepared to give reporting instructions to defendants receiving probation 	District Presentence Manual, Section 2I	FTO				

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
44	SENTENCING * See Task Sheets – 1) Statement of Reasons; 2) Sentencing Hearing; & 3) Post Sentencing* <ul style="list-style-type: none"> • Courtroom etiquette <ul style="list-style-type: none"> ○ Be specific, give examples ○ How to address the Court before/during a proceeding. • Courtroom safety • Punctuality (Judge requirements, email notifications of changes) • P2 Form • Statement of Reasons <ul style="list-style-type: none"> ○ Detail factors for departures and/or variances ○ Explain Section III – Court's determination if different from PSR ○ Court's preference as to details of departures and variances • Victim Restitution confidential form • Makes copies of P2 form, return file and initialed victim restitution confidential form to appropriate PSI clerk • Direct probation cases to supervision unit • Be prepared to present alternative calculations if needed. 	District Presentence Manual, Section 2.I	FTO / Clerk				

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
45	PRESENTENCEQ (STATEMENT OF REASONS) * Task Sheet available – See #44* <ul style="list-style-type: none"> Statement of Reasons instruction sheet 	<ul style="list-style-type: none"> PSIQ instruction document (Training page > Training docs > Presentence Using the NCWP Tab document) District Presentence Manual, Section 2.I Guide to Judiciary Policy, Vol 8, Pt D: Presentence Investigation Report (Monograph 107), § 570 	SGS/FTO				http://www2.ncwd.circ4.dcn/pr/train/Training_Docs/Presentence%20-%20Using%20the%20NCWP%20Tab.pdf
46	REVIEW OF JUDGMENTS * See Task Sheet – Reviewing Judgment* <ul style="list-style-type: none"> All sections of document must be reviewed (USM #, DOB, etc.) Address corrections to J&C in PresentenceQ Discuss time requirements 	District Presentence Manual, Section 2.I – Review of Judgments	TO				
47	MONTHLY STAT SHEET		SUSPO/ FTO				

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
48	COLLATERAL RESPONSES <ul style="list-style-type: none"> Assignment Policy (office location) PDIM Intra-District Collaterals Out-of-District Collaterals 	<ul style="list-style-type: none"> District Presentence Manual, Sections 7.A and 7.B – Responding to Collateral Requests Step-by-step Process for Responding to Collateral Requests (NCWP website > Presentence > Presentence Documents) 	FTO				http://www2.ncwd.circ4.dcn/pr/present/layouts/WordViewer.aspx?id=/pr/present/Presentence%20Documents/Step%20By%20Step%20Process%20for%20Responding%20to%20Collateral%20Requests.docx&Source=http%3A%2F%2Fwww2%2Encwd%2Ecirc4%2Edcn%2Fpr%2Fpresent%2FPresentence%2520Documents%2FForms%2FAllDocument%2Easpx&DefaultItemOpen=1
49	DUTY COVERAGE/COURT COVERAGE <ul style="list-style-type: none"> Office location specific Weapon requirement UA policy UA training/test 		SUSPO				Urine Collection & Chain of Custody Video on webpage-training-Drug Lab Videos

Presentence FTO Checklist

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
50	REMANDS/RESENTENCINGS <ul style="list-style-type: none"> View ECF for appeal documents and Orders Obtain relevant documents from PDIM or ECF Prepare Supplement Submit for review Give to PSI clerk to file in ECF In Court: Update P2, complete SOR Rule 35 Hearing: Update P2, no SOR 	Supplements, District Presentence Manual, Ch. 3	FTO				
51	PERFORMANCE APPRAISALS <ul style="list-style-type: none"> Overview PSI completion and expectations 	District Administrative Manual, Section 5.A-4	SUSPO				
52	HELPFUL RESOURCES <ul style="list-style-type: none"> Coworkers USSC Website and Helpline IT Helpdesk (704-350-7426) and tutorials 		FTO				

TASK: Accessing NC Criminal Records (“ACIS” / “AOC” / “CIS”)

POLICY (Section):

(Note: Designate National and District policy section)

District Presentence Manual, Section 2.B

TACTICS/PROCEDURE:

The Presentence USPO is responsible for running a new ACIS check on each new Presentence assignment. This is just one of several automated criminal records repositories that will be consulted.

Click on desktop icon “JWSHODN”

Click on “3270 TLS Display” (if needed)

At Application screen enter “ciscscrp”

Enter until you get to a black screen (usually twice)

Enter “cesn”

Enter

Enter Log-in name**

Enter password**

Enter until you get to a blank screen

Enter “acis”

Enter

Enter password and county code

Enter

Follow the instructions in the *ACIS Inquiry Reference Guide*

**Register / Reset password:

- Go to the NCAOC [Sign On](https://www3.nccourts.org) page. (<https://www3.nccourts.org>)
- Save this address to your favorites for future use.
- Enter your User ID and Password and press Enter.
- Select **Manage My User Account**.
- Select **Enter Challenge Questions and Contact Information**.

You will then select challenge questions and provide responses. In the event you cannot remember your password or if your password has been revoked, you may enter your User ID, and click “Need Help Logging In?”, and these questions will be used to verify your identity so that you may reset your own password. If you have any questions contact the NCAOC Help Desk at (919) 890-2407.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer’s satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Credit Report**POLICY (Section):**

(Note: Designate National and District policy section)

District Presentence Manual, Section 2.B

TACTICS/PROCEDURE:

A credit report is a synopsis of a defendant's credit history. A typical credit report provides the defendant's name, DOB, SSN, current and past addresses, open and closed credit card accounts and consumer loans, and all credit application inquiries. The credit report can be used to determine credit card and loan balances, mortgage information, judgments and liens, and payment records. The information can be the starting point for uncovering past and present assets and liabilities as well as determining unreported income or debt when outstanding credit is compared with known income. Credit reports are available from CBC Companies, Inc.

A credit report will be run on all defendants on whom a full presentence investigation report is completed involving financial and/or restitution issues, or if the officer deems appropriate.

- A signed Release of Information (Prob 11G) must be on file prior to the officer running a defendant's credit report.
- Credit Reports are to be uploaded to PDIM under document type, *Misc. Investigation*. Type *credit report* in Notes box.
- Judge Reidinger requires a credit report on all defendants on whom a full presentence investigation report is completed, provided a signed Prob 11G is on file.
- No credit report will be run on illegal aliens convicted of offenses that require the preparation of a full presentence investigation report since an illegal alien does not have a valid social security number.

DOCUMENTATION:

1. On the NCWP home website, navigate to the *Quick Links* section and click *Credit Report*.
2. Log into the CBCWeb site by typing your user name and password.
3. In the *Product* section, select the vendor of choice (i.e., Experian, Equifax, TransUnion, etc.)
4. In the *Applicant* section, enter the defendant's first/middle initial/last name, SSN, full address, and DOB.
5. Select *Submit* (top of screen). The user can check *View immediately if available*, to view the document immediately. Otherwise, hover over the *Report Status* tab. Click on *Simple Report Status* and enter a days or date range. The user may also click on *Basic Report Status* and *Completed Orders* to view document.

6. To Print: Right click on document and select printer option.
7. To convert to PDF for PDIM upload: Right click on document, select *Adobe PDF* in printer option section, click *Print*, rename file, and click *Save*.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

PRESENTENCE

TASK: SUSPO Review of Draft PSR

POLICY (Section):

(Note: Designate National and District policy section)

District Presentence Manual, Sections 2.D and 2.H

Guide to Judiciary Policy, Part D – Presentence Investigation Report (Monograph 107), Chapter 1, § 150 (Supporting the Presentence Process)

TACTICS/PROCEDURE:

The SUSPO is responsible for quality control of the presentence reports by carefully reviewing, approving, and signing the report to indicate approval. Prior to submitting a Draft PSR to the SUSPO for review, the probation officer is responsible for:

1. Carefully reviewing the document for accuracy and correcting any errors;
2. Saving the report in their appropriate shared directory using the following naming convention: Last name-first & middle initial (or X if no Middle Initial)-psr-USPO's initials (example: smith-jd-psr-kcb)
3. Reviewing and updating, if necessary, PACTS client profile;
4. Entering a PACTS chrono documenting that the draft PSR was submitted to the SUSPO and the PACTS profile was reviewed/updated;
5. Printing PACTS chronos and Summary Sheet of presentence investigation in PSX (i.e., *Presentence Investigation > Summary* Tab. NOTE – expand all sections prior to printing).
6. Entering the date that the draft PSR was submitted to the SUSPO in PSX (i.e., *Presentence Investigation > Investigation/Dates* Tab > *Date Draft Submitted to SUSPO* field).

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

PRESENTENCE

TASK: Sentencing Hearing Preparation

POLICY (Section):

(Note: Designate National and District policy section)

District Presentence Manual, Section 2.I

TACTICS/PROCEDURE:

Whenever possible, the officer who prepared the report should be present at the sentencing hearing. Otherwise, the officer who prepared the PSR is responsible for making arrangements with the SUSPO to handle the case. Proper preparation for a sentencing hearing is essential in providing the Court with current and accurate information for sentencing.

- Record checks should be conducted by the officer who prepared the report on all cases where there are pending charges no more than seven days prior to sentencing. Any new charges or pending matters that have been resolved since completion of the report should be addressed in a Supplement to the Presentence Report. The scope of the criminal record check will be determined by the location of any pending changes and where the defendant has resided or visited. A chrono should be entered noting this inquiry.
- ECF should be reviewed for recent filings and/or Sentencing Memorandums. *New objections must be addressed in a Revised PSR or a Supplement, if submitted in a Sentencing Memorandum.*
- The Presentence Report, specifically outstanding objections, should be reviewed. Alternate Guideline calculations should be considered/prepared in case the officer is requested to provide at sentencing.
- Gather materials needed for Court (applicable Guidelines Manual, sentencing packet, file, calculator, rolling cart-as needed for location, etc.).
- Notify supervision duty officer and/or clerk of possible probation cases, if feasible.
- Be prepared to provide reporting instructions to any defendant who received probation.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

PRESENTENCE

TASK: Statement of Reasons

POLICY (Section):

(Note: Designate National and District policy section)

District Presentence Manual, Section 2.I

Guide to Judiciary Policy, Part D – Presentence Investigation Report (Monograph 107), Chapter 6, § 620 (Statement of Reasons)

USSC Guidelines Manual, Chapter 1, Part A

TACTICS/PROCEDURE:

The Statement of Reasons form was first introduced as a stand-alone form in 1988 to meet the guideline sentencing requirements of 18 U.S.C. § 3553(c). Pursuant to 18 U.S.C. § 3553(c), courts are required at the time of sentence to state in open court the reasons for a particular sentence that is given to a defendant. When the court sentences within a particular guideline range and the guideline range is greater than 24 months, the court must state on the record the reason for choosing a particular point within the guideline. If the sentence sentences outside of the applicable guideline range whether by departure or by variance, the court must state the reasons imposing a sentence outside of the guideline range.

The Statement of Reasons form is used by the Sentencing Commission for data collection purposes and by the Bureau of Prisons for inmate classification, designation and programming decisions. Unlike the Judgment in a Criminal Case which is a public document, the Statement of Reasons is not. In September 2000, the Judicial Conference placed restrictions on public access to the form to protect the safety of the defendants.

A Statement of Reasons form is required in every criminal case (except Class B or C misdemeanors or infractions). There are seven (7) major sections to the Statement of Reasons form (*Sections I – VII*):

- Section I Court Findings on Presentence Investigation Report
- Section II Court Finding on Mandatory Minimum Sentence
- Section III Court Determination of Advisory Guideline Range (Before Departures)
- Section IV Advisory Guideline Sentence Determination
- Section V Departures Authorized by the Advisory Sentencing Guidelines
- Section VI Court Determination for Sentence Outside the Advisory Guideline System
- Section VII Court Determination of Restitution
- Section VIII Additional Facts Justifying the Sentence in this Case

Section I – Court Findings on a Presentence Investigation Report

Section I must be completed. Describe findings or comments made with respect to the presentence investigation report. Check *Option A* if the court adopts the PSR, including the advisory guidelines, without change. Check *Option B* if the court makes determinations, findings, or comments different than what is noted in the PSR and indicate whether they relate to *Options 1, 2, 3, and/or 4*. Absent an explanation of the court's determinations in the SOR, the Sentencing Commission and BOP will rely on the information as noted in the PSR. Check *Option C* if the PSR has been waived by the court.

Section II – Court Finding on Mandatory Minimum Sentence

Section II must be completed. In some cases charging instruments, plea agreements, or PSRs indicate that a mandatory minimum penalty is applicable in a case. However, for a variety of reasons, the court may not impose a mandatory minimum sentence. If Section II is not completed, the Sentencing Commission or others may conclude that the court erroneously imposed an illegal sentence. Check *Option A* if no count of conviction carries a mandatory minimum penalty. Check *Option B* to indicate the court imposed at least the mandatory minimum sentence. Check *Option C* to indicate why the mandatory minimum sentence was not imposed.

Section III – Court Determination of Advisory Guideline Range (Before Departures)

Section III must be completed. The Court should determine the advisory guideline range, including the total offense level, criminal history category, imprisonment range, supervised release range, and fine range prior to addressing departures and/or variances. If the court adopts the PSR without change, enter the advisory guideline range as recorded in the PSR. If the court makes other determinations or findings, record the final advisory guideline range as determined by the court. This will highlight any differences between the recommended ranges in the PSR and the court-determined advisory guideline range. The court may also waive a fine or impose a fine below the guideline range because of the defendant's inability to pay. Check the *fine* box if the court waives the fine or imposes a fine below the guideline range.

Section IV – Advisory Guideline Sentence Determination

Section IV must be completed. Check *Option A* if the court imposes a sentence within the guideline range and the guideline range does not exceed 24 months. The court is not required to provide a reason for the choice of a particular sentence when the applicable advisory guideline range does not exceed 24 months, provided the sentence is not a departure or variance. Check *Option B* if the court imposes a sentence within the advisory guideline range and the guideline range is greater than 24 months. The court is required to provide a reason for the choice of a particular sentence when the applicable advisory guideline range exceeds 24 months. Options A and B are selected only if the court finds no reason to depart or vary. Check *Option C* if the court departs from the advisory guideline range based on reasons authorized by the *Guidelines Manual* (i.e., §5K1.1, §4A1.3, etc.) Check *Option D* if the court imposes a sentence outside of the advisory guideline system (i.e., variance based on 18 U.S.C. § 3553(a) factors).

Section V – Departures Authorized by the Advisory Sentencing Guidelines

Section V must be completed if *Option C* is checked in Section IV. Under the advisory guideline system, courts may depart and impose a sentence outside the range established by the applicable advisory guidelines, if the court finds that there exists an aggravating or mitigating circumstance of any kind, or to a degree not adequately taken into consideration by the Sentencing Commission in formulating the guidelines. Such a sentence is authorized by §5K2.0 of the *Guidelines Manual* and therefore within the advisory guideline system. The PROTECT Act requires courts to state with specificity the reasons relied upon in deciding to depart from the guidelines. The officer should summarize and describe the facts articulated by the court to justify a departure from the advisory sentencing guidelines. For example, if age was a relevant factor, the explanation should indicate how the defendant's age was relevant to the court's decision to depart.

Section VI – Court Determination for Sentence Outside the Advisory Guideline System

Section VI must be completed if *Option D* is checked in Section IV. After considering the advisory guideline range and any departures, the courts then have discretion to sentence outside of the advisory guideline system based on the factors set forth in 18 U.S.C. § 3553(a). The court may impose a sentence outside of the advisory guideline system if the court believes that to do so would better achieve the statutory purposes of sentencing. Exercise of such discretion will result in a non-guideline sentence. The officer should check the applicable 18 U.S.C. § 3553(a) reason boxes the court states when justifying the sentence. Furthermore, the officer should summarize and describe the facts articulated by the court to justify a sentence outside of the advisory guideline system.

Section VII – Court Determination of Restitution

Section VII must be completed. The court is required to make determinations of restitution if applicable. The officer should check the applicable option.

Section VIII – Additional Facts Justifying the Sentence in this Case

Section VIII is optional. The officer should use this section as a continuation from other sections if the information cannot fit in the spaces provided. This section is used to record any additional text with respect to additional facts the court may have relied on to justify the sentence.

****** For additional information regarding the Statement of Reasons, see *The Statement of Reasons for Use in Reporting Sentencing Decisions* (saved as: SORbookletJune05.pdf) in the Training Materials folder of FTO-Presentence.

DOCUMENTATION:

To locate Statement of Reasons template in WORD:

- Under the *Home* or *PACTS* tabs, click on the *Templates* badge > *NCWP Templates* > *Presentence Forms* > *Statement of Reasons*.

To save the document:

- Click on *File* > *Save As*.
- Navigate to one of the following:
 - *My Web Files* > *NCWP* > *PSIQ SORs*, or
 - *PresentenceQ*
- Save the SOR using the following naming convention:
 - LAST NAME-FIRST & MIDDLE INITIAL (or X if no middle initial)-SOR-USPO's INITIALS (example for John David Smith: SMITH-JD-SOR-KCB)
 - For SORs prepared by officer covering the sentencing: LAST NAME-FIRST & MIDDLE INITIAL (or X if no middle initial)-SOR-USPO's INITIALS who covered the sentencing-USPO's initials who prepared the PSR (example: SMITH-JD-SOR-BPC-KCB).

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

PRESENTENCE

TASK: Sentencing Hearing

POLICY (Section):

(Note: Designate National and District policy section)

District Presentence Manual, Sections 2.C (*Inclusion of Victim Names and Addresses*) and 2.I USSC Guidelines Manual, Chapter 1, Part A, 4(b) (*Departures*)

TACTICS/PROCEDURE:

Whenever possible, the officer who prepared the report should be present at the sentencing hearing. Otherwise, the officer who prepared the PSR is responsible for making arrangements with the SUSPO to handle the case. In such cases, the officer handling the case should have received the PSR and familiarized themselves with any objections that may have been filed and answered.

The PSI officer present at sentencing will record sentencing information on the Statement of Reasons, the disposition of the case on the PACTS P2, and any changes to the Victim Restitution List. (Note – See Task Sheet, “Statement of Reasons,” for information on preparing the SOR.)

PACTS P2 form:

The PACTS P2 form is used by the clerk for recording the sentencing record in PACTS and by the officer for reviewing the judgment. The officer will complete the following fields when recording the disposition of the case on the PACTS P2 form:

- Sentencing Date
- Adjudication Date
- Check whether the case is a juvenile, career offender, and/or sealed.
- Offense Level/Severity – List the original offense level the Court finds after ruling on objections and before granting any departures and/or variances.
- Criminal History Points – List the criminal history points (*not the Criminal History Category*) determined by the Court after ruling on objections.
- Departure
- Variance
- List the term of imprisonment, probation, or supervised release for each count
- If the Court orders community confinement, home detention, electronic monitoring, or nights/weekends in jail, list the appropriate number of months.
- Check all applicable boxes regarding BOP recommendations and special conditions including assessment, fine, restitution, etc.
- List BOP Designation if the court recommends a specific location (i.e., Court recommends BOP placement close to home).
- Check appropriate boxes regarding criminal monetary penalties (if applicable).

- Restitution Payable To
- Other Remarks – List any additional information stated by the Court regarding forfeiture, other conditions, dismissed counts, etc.
- Check whether the defendant is detained or is allowed to voluntary surrender. If allowed to voluntary surrender, list specific instructions stated by the Court.
- USPO at Sentencing – officer covering the sentencing hearing
- AUSA at Sentencing – AUSA covering the sentencing hearing
- PSI Officer – officer listed on the PSR.

Victim Restitution List:

The officer is responsible for providing the names and addresses of any victim ordered to receive restitution to the Clerk of Court and the appropriate VWC. This process is done through a separate confidential list (Victim Restitution List), which includes victim names, addresses, and the amount of restitution ordered. The Victim Restitution List is separate and in addition to any attachment to the PSR regarding victims and restitution (see District Presentence Manual, Sections 2.C, *Inclusion of Victim Names and Addresses*, for additional information regarding the document).

On the day of sentencing, the officer will note any changes, initial, and date the document. *(Note – Following the filing of an Amended Judgment for the purposes of finalizing restitution, it is the government's obligation to respond to any victim related issues as it is no longer the responsibility of probation to provide information on newly named victims and/or revised restitution amounts.)*

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

PRESENTENCE

TASK: Post-Sentencing

POLICY (Section):

(Note: Designate National and District policy section)

District Presentence Manual, Section 2.I and 2.J

TACTICS/PROCEDURE:

Following a sentencing hearing, the officer will deliver the file to the Presentence clerk in the location where the sentencing takes place. The officer shall make a copy of the completed P2 to use when reviewing the judgment (*see task sheet-Review of Judgment*). The original P2 along with the original Victim Restitution List (if applicable) and file shall be given to the designated Presentence clerk. The officer will keep the hand written Statement of Reasons (SOR) to use in processing the SOR (*see task sheet-Statement of Reasons*).

Defendants who are sentenced to probation or time served are to be directed to the Supervision Unit, and a copy of the P2 should be given to the Supervision clerk for further processing. The sentencing packet along with the original paperwork should be given to the Presentence clerk.

Notice of Social Security Benefits: The Social Security Administration will be notified by the Presentence officer if a defendant who is receiving Social Security disability benefits is sentenced to prison. A form letter for this notification is found in NCWP Templates.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

PRESENTENCE

TASK: Reviewing the Judgment

POLICY (Section):

(Note: Designate National and District policy section)

District Presentence Manual, Section 2.I

TACTICS/PROCEDURE:

The review of the Judgment is critical as the Bureau of Prisons obtains information from the Judgment that affects the calculation of credit for time served as well as other pertinent information.

Upon receipt of the Judgment (please see manual regarding the procedure for each office) review the entire Judgment for typographical and informational errors. Specifically, look for the following and make sure that they are correct:

- Defendant's court name is spelled as on the court docket
- Register number
- Attorney's name
- Docket number and defendant number
- Title and Section Number
- Nature/Title of Offense
- Date offense conduct concluded
- Term of imprisonment (do the numbers match the words and vice versa)
- Check for all correct BOP recommendations
- Correct term(s) of supervised release
- Special conditions for supervision listed
- Assessment, fine and restitution amounts

Once you have reviewed the Judgment and are sure of no errors, then follow the procedure as established by your office for notifying either the Guideline Specialist or the Deputy Clerk per your office's instructions. Please refer to the document Presentence-using the NCWP Tab in Microsoft Word which can be found under the Training Documents tab on the Training webpage and is named "Presentence - Using the NCWP Tab."

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

Post Conviction Supervision FTO Checklist

****Supervision FTO is responsible for Pretrial Supervision and Post Conviction Supervision Task Sheets****

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
1	Pre-Release Investigations *See Task Sheet *	<ul style="list-style-type: none"> • Guide Vol. 8 Pt. E, Chapter 6 • Supervision Manual: Sections 3.1 – 3.4 					
2	Opening Cases *See Task Sheet *	<ul style="list-style-type: none"> • Guide, Vol. 8, Pt. E, Chapter 6 • Supervision Manual: Sections 4.2 					
3	Case Planning *See Task Sheet *	<ul style="list-style-type: none"> • Guide, Vol. 8, Pt. E, Chapter 6 • Supervision Manual: Sections 4.4 • PACTS Version 5.6.4 Post Conviction User Guide 					
4	Field Work and Travel Day Policy	Supervision Manual: Section 4.6					
5	Home Inspections *See Task Sheet *	Supervision Manual: Section 4.7					
6	Offender Reporting Methods *See Task Sheet *	Supervision Manual: Section 4.11					
7	UA Collection *See Task Sheet *	Supervision Manual: Section 4.12					
8	Financial Condition Monitor/Collection *See Task Sheet *	Supervision Manual: Section 4.14					
9	Community Service and Travel Restrictions *See Task Sheets (2) *	Supervision Manual: Section 4.15					

Post Conviction Supervision FTO Checklist

****Supervision FTO is responsible for Pretrial Supervision and Post Conviction Supervision Task Sheets****

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
10	Bank Robbery Offenders *See Task Sheet *	Supervision Manual: Section 4.18					
11	DNA Collection *See Task Sheet *	Supervision Manual 4.19, Exhibit 4.19					
12	RRC Jail Referral *See Task Sheet *	Supervision Manual: Section 4.21					
13	Low Risk *See Task Sheet *	Supervision Manual: Section 4.22					
14	Computer Monitoring *See Task Sheet *	Supervision Manual: Section 4.25					
15	Closing Cases *See Task Sheet *	Supervision Manual: Section 4.23					
16	Non-Compliant Behavior *See Task Sheet *	Supervision Manual: Section Chapter 5					
17	Chronological Narratives *See Task Sheet *	<ul style="list-style-type: none"> • Guide, Vol. 8, Pt E, Ch6 • Supervision Manual Sections 6.1 and 6.2 					
18	Transfers/In-District Reassignments *See Task Sheet *	<ul style="list-style-type: none"> • Guide Vol. 8, Pt. E, Chapters 3 and 6 • Supervision Manual Sections 8.1-8.5 					
19	Courtesy Supervision	<ul style="list-style-type: none"> • Supervision Manual 8.7 • Vol 8C, § 545 (defendant) • Vol 8E, § 460.55.30 (offender) 					

Post Conviction Supervision FTO Checklist

****Supervision FTO is responsible for Pretrial Supervision and Post Conviction Supervision Task Sheets****

Topic #	Topic/Function	Policy/Manual (Location)	Designated Trainer	Date Topic/ Function Accomplished	Trainee's Initials	FTO/ Trainer's Initials	Comments
20	Confidentiality	Supervision Manual 9.1					
21	Parole, Special Probation ICE, Juvenile Issues, DC Cases, Conditional Release, Supplemental Reports/Treaty *See Task Sheet *	Supervision Manual Section 10.1					
22	Summonses, Warrants, and Revocation Procedures *See Task Sheet *	<ul style="list-style-type: none"> • Guide Vol. 8, Pt. E, Chapter 6 • Supervision Manual Sections 5.11 – 5.16 					
23	Collateral Investigations <ul style="list-style-type: none"> • ACIS printouts • Retrieving state records (types of documents to retrieve – transcript of plea, judgment, violation reports, etc.) • Available records vs. purged records – county specific • Microfilm and old records (books) • Access/key for copier • Policies specific to courthouse location 	Supervision Manual Section 7					

TASK: Pre-Release Investigations

POLICY (Section):

(Note: Designate National and District policy section)

National Policy: Guide to Judiciary Policy, Vol. 8

District Supervision Manual: Sections 3.1 – 3.4

POLICY: Pg. (24-28)- To be printed out and provided to new hire

- Purpose of pre-release is to facilitate transition from incarceration to society.
- BOP (Bureau of Prisons) and RRC (Residential Reentry Center) retain custody/responsibility of offender until released to supervision.
- Conditions of supervision are not yet in effect and can NOT be enforced.
- Once released from prison to RRC, Pre-Release Orientation Program Officers meet with offenders for orientation and Q&A.
- RRC's in our district: McLeod Center, Charlotte; Gaston County Jail Annex, Gastonia; and Salvation Army, Asheville.
- Assigned Supervision Officer is encouraged to meet with offender at least once prior to release from RRC to supervision.

TACTICS/PROCEDURE:

- First review available court docs (J&C, Presentence Report, Mental Health/Substance Abuse docs, Employment/Education Docs).
- Criminal Record Check completed (FTO will show new hire CJLEADS and ATLAS for understanding on conducting record checks).

*If applicable- The BOP/RRC may request a Furlough/Home confinement investigation allowing the offender to remain under the supervision of BOP/RRC while living off-site. In this instance you will investigate the proposed home address and will be expected to do the following:

- Collect information concerning the offender's proposed residence and/or employment or attempt to identify any potential problems with the release plan;
- Act as a resource in emergency situations that may arise at the half-way house;

- Assist with treatment arrangements/programs in concert with the RRC staff and plan for eventual community service and monetary payments which will usually begin upon release from RRC;
- Establish contacts with local law enforcement for assistance when necessary in planning treatment and monitoring such treatment once our supervision begins;
- Identify potential third party risk situations;
- Or instruct on compliance with any applicable sex offender or other registration requirements.

During Furlough/Home Detention investigation, the following should be conducted:

- Review the Presentence Report to compare the proposed residence plan with the residence situation that existed previously and was verified by the Presentence officer. Members of the residence and some characteristics of these individuals, such as criminal record and substance abuse history, are often readily identified in the Presentence Report;
- The probation officer should contact the head of household to arrange and make an on-site visit, if possible;
- If a personal visit is not feasible, speak with the head of household at length by telephone;
- If it is suspected that other individuals may frequent the residence or stay there on a part-time basis, the probation officer may wish to make an unannounced visit to the residence or conduct a drive-by observation, if the officer's safety might be in question;
- Consider third party risk and specifically ask if anyone has a criminal record or substance abuse problem;
- Pay attention to the household environment for firearms or dangerous weapons;
- Note if minor children or elderly persons are present in the household for any potential physical abuse or risk situations;
- Request a walk-through of the residence after the interview is concluded. If the walk-through is denied, or if there is hesitation, the officer should consider denying the plan; and
- If an offender is going to reside in a residence not owned or rented by him/her or his/her spouse, a "Resident Acknowledgment Form" (Main Menu - SET Forms) may be completed by the owner/leaser. The officer has the option of obtaining the owner/leaser's verbal consent. If this person with whom the offender is going to live refuses to consent to warrantless searches, the residence should not be approved.

DOCUMENTATION:

*Investigating Officer has the final say on whether a request is approved or denied. Your clerk will notify the requesting agency of approvals; and denials will be delivered in written format on letterhead to the requesting agency stating reasons for denial and will be uploaded into PACTS.

- For each Personal Contact at RRC, the officer will provide offender with his/her contact information, obtain projected residence/employment information and explain

	<p>that an A&O will be scheduled once released to Supervision and include a summary of this contact in a post-conviction chrono (chronological narrative in PACTS) (PC).</p> <ul style="list-style-type: none">• For each Furlough/Home Confinement investigation, the officer is to document a Collateral Contact chrono (CC) of offender's projected residence listing all individuals residing in residence, pets or other potential risks, layout of the residence (including backyard and curtilage of the property), notification to third parties of firearms and narcotic regulations, as well notification of warrantless search condition. <p>*Once FTO has taken new hire to RRC for a personal contact with pre-release AND conducted a furlough investigation, Pg. 24-28 will be checked for understanding, signed off on and turned over to DCUSPO.</p>
	<p>Acknowledgment:</p> <p>The above tasks were explained and demonstrated by the FTO (or other designated person). The trainee observed completion of one (1) Pre-Release Investigation. The trainee practiced and demonstrated these tasks and successfully completed one (1) Pre-Release Investigation to the trainer's satisfaction this date:</p> <p>Trainee: _____</p> <p>FTO/Designated Trainer: _____</p> <p>Date: _____</p>

TASK: Opening Cases

POLICY (Section):

(Note: Designate National and District policy section)

National Policy: Guide to Judiciary Policy, Vol. 8, Pt. E, Chapter 6 District Supervision Manual: Sections 4.2

One of the most important interviews the USPO has with an offender is the initial interview. It is this interview that sets the tone for supervision. This interview should be conducted within fifteen days of the offender being placed on probation or supervised release. The 15-day requirement coincides with the statutory requirement that one drug test be submitted within the first 15 days of release on probation or supervised release pursuant to 18 U.S.C. § 3563(a)(5) or 18 U.S.C. § 3583(d).

During this interview, if it is determined that the ex-offender resides in a residence not owned or rented by him/her or his /her spouse, the USPO should find out the name of the person that owns or rents the residence and this person should be approached and informed of the search condition. A chronological entry needs to be made reflecting the notification. Should the residence owner not agree with this condition, the ex-offender should be instructed to find another residence within 60 days.

Under 18 U.S.C. §§ 3563(d) and 3583(f), the officer must provide the offender with a clear, written statement of all the conditions of release.)

The PCRA helps officers identify:

- a) which offenders to target for correctional interventions;
- b) what characteristics or needs to address, and
- c) barriers to successful implementation of a supervision and treatment plan.

Officers should administer the PCRA for all offenders as soon as practical, with the exception of offenders with a RPI score of 0, 1, or 2. These offenders will be transferred to the Low Risk caseload after the initial case plan is approved. (Low Risk Policy – SOSA Manual)

TACTICS/PROCEDURE

1. Conduct an Orientation Interview with the Offender
2. During this orientation interview, the officer is to thoroughly review with the offender the conditions of supervision as set forth on the Judgment in a Criminal Case or the certificate of parole or mandatory release.

3. Officers should discuss the specific purposes of each condition, what each means in practical terms, and the consequences of noncompliance.
4. Explain travel restrictions during the initial assessment period and discuss the travel permit process;
5. Be specific about other behavioral expectations (e.g., alcohol use or criminal associations) in the context of the offender's situation;
6. Have the offender sign all copies of the conditions and provide him or her a copy;
7. Conduct the first mandatory drug test, if appropriate; have the offender sign any necessary release forms for further verification and/or planned financial investigation.

DOCUMENTATION:

- This information should be detailed in a chronological narrative entitled "ASSESSMENT AND ORIENTATION INTERVIEW." A fill-in chronological narrative containing all information to be included is provided in PACTS-ECM
- Signed copy of the Judgment and Commitment uploaded to PDIM.

Other documentation considerations: Photograph, Tattoo Photographs, Role Clarification chrono, and necessary forms for potential Code-A-Phone enrollment.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Case Planning

POLICY (Section):

(Note: Designate National and District policy section)

National Policy: Guide to Judiciary Policy, Vol. 8, Pt. E, Chapter 6

District Supervision Manual: Sections 4.4

PACTS Version 5.6.4 Post Conviction User Guide

The supervision case plan is used to document the results of your assessment, record any identified risks, strengths, barriers, criminogenic and special conditions. Officers in conjunction with the offender are to develop concrete objectives that describe what the offender is to accomplish during the period of supervision covered by the plan. All targeted objectives are to be realistic calls tailored to the offender's circumstances and the availability of local and contract resources. When risk issues have been identified, the strategies are to include both controlling and correctional interventions and where applicable, should discuss prioritization and the plan for overcoming obstacles.

An Initial Case Supervision Plan is to be submitted within 60 days of the start of supervision. The officer is to submit the case plan in PACTS to the supervisor. The supervisor has the option to schedule a staffing with the officer to discuss and finalize the plan. The initial plan is to be approved within 15 days of its submission.

The six-month plan evaluation is to take place six months from the start of the supervision term during an officer-supervisor staffing. The officer's input of the PCRA should be completed and finalized. The supervision level assigned by the PCRA should guide the supervision focus for that offender for the next year.

Subsequent formal case staffing evaluations are to be conducted no later than the 18th month of supervision (one year from the six-month review) and annually thereafter. The offender and officer input sections of the PCRA shall be completed and finalized.

Inactive cases should be reviewed every 6 months. Inactive cases that are not in custody should have NCIC and CIS record checks run at least annually.

TACTICS/PROCEDURE

To create a Case Plan from the Post Conviction Module

1. On the PACTS navigation menu, click the plus box to expand Post Conviction, and then click Post Conviction Case Plan. The Post Conviction Case Plan page appears.
2. Click Create Case Plan. The system automatically creates the draft plan, and then the Post Conviction Case Plan home page appears.

The plan is divided into the following tabs:

- General Tab
- Statutory Requirements Tab
- Special Conditions Tab
- Noncompliance Tab
- Offender Assessment Tab
- Objectives & Strategies Tab
- Case Plan Summary Tab

3. Click each tab and complete the appropriate fields.

To submit a Case Plan:

1. Carefully review the plan on the Case Plan Summary tab and make any corrections.
2. Click the Submit button.
3. Wait for the system to check the Case Plan.
4. Wait for the supervisor to review and approve the case file and the supervision Case Plan.

IMPORTANT: After a plan is approved, it can no longer be changed.

DOCUMENTATION:

The submitted case plan will create the necessary documentation in PACTS.

Other considerations: The Plan Focus Section in the Objectives and Strategies Tab should contain the PCRA score, risk factors and the officer/D/O plan to address risk factors.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Home Inspection

POLICY (Section):

(Note: Designate National and District policy section)

District Supervision Manual: Section 4.7

- A home inspection is to be conducted by the supervising officer within sixty (60) days of the case being received on active supervision. If a home inspection of the offender's current residence was completed prior to the offender's release from custody, the initial home inspection is not required within sixty days, but a personal home inspection with the offender must be made within ninety (90) days of the commencement of supervision.
- A home inspection is also to be conducted within sixty (60) days of each change of residence and the offender's address is to be updated in PACTS.

TACTICS/PROCEDURE:

- A home inspection includes a physical walk-through of all the rooms in the residence and any other areas or structures on the premises that are subject to the offender's access or control. Officers should identify other occupants of the residence and conduct plain view observation for evidence of firearms or contraband in the residence. The officer may also review documentation such as rental agreements, mortgage papers, and utility bill to verify ownership/occupancy and monthly living expenses. The officer should also consider any other family problems, including attitudes toward the officer or the government and any other situations that might impact supervision.

DOCUMENTATION:

- The chronological entry should include the physical address and a narrative description of the residence, including the floor plan. Also, if not recorded in the A&O and the officer determines the information is needed, the entry should list the occupants of the home by name, age, and their relationship to the offender and include any mental or physical problems, criminal history, and drug or alcohol abuse any of the residents may be experiencing. Safety hazards should be documented in PACTS.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Reporting Methods

POLICY (Section):

(Note: Designate National and District policy section)

District Supervision Manual: Section 4.11

- **In-Person Office Reporting:** While field contacts are encouraged, there are occasions when it may be more productive and safer to have the offender report to the probation office. These may include but are not limited to: 1) during the initial interview to review file documentation and clarify supervision obligations, 2) when an officer needs a safe environment and support to confront noncompliance and other difficult issues, and 3) when repeated attempts to locate the offender in the field have failed.
- **Monthly Supervision Reports:** Officers have the option of allowing offenders to submit the traditional written monthly supervision report or utilizing the Electronic Reporting System. **All** sex offenders are required to submit a monthly sex offender supplemental report.

TACTICS/PROCEDURE:

- When the offender is reporting to the office in person, the officer will obtain pertinent information to aid in the offenders supervision such as but not limited to residence, employment, all standard and special conditions, dynamic risk factors, and or elevated thinking styles.

DOCUMENTATION:

- This information shall be detailed in a chronological narrative. **All** monthly sex offender supplemental reports shall be scanned and uploaded into PDIM.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: UA Collection

POLICY (Section):

(Note: Designate National and District policy section)

District Supervision Manual: Section 4.12

- Pursuant to 18 U.S.C. §§ 3563(a) and 3583(b), offenders are to submit to at least three periodic drug screens during the period of probation or supervised release, unless this condition has been suspended by the Court. The first urinalysis is required within the first 15 days of supervision. For more information regarding urine surveillance, see Chapter 1 of the Special Offenders/Special Operations Manual. All three mandatory drug screens must be collected within the first 90 days of supervision.

TACTICS/PROCEDURE:

- All urinalysis should be observed by a USPO or approved technician as unobserved urinalysis are highly discouraged.
- Complete the Chain of Custody Form in PACTS ECM Drug Detection Module. It is the responsibility of the collector or supervising USPO to ensure the Chain of Custody Form is completed and the chain of custody is maintained. In order to maintain the chain of custody, the collector should personally observe the client void into a collection bottle and verify that the urine collected is from the client. The collector should not lose sight of the sample until the security seal is placed on the sample bottle. Collectors should observe and collect only one specimen at a time and not have groups of clients providing specimens at the same time, unless there is an observer for each client. It is recommended that all collectors wear protective gloves during the collection process. The collector should make every effort to collect a full bottle (60 milliliters) of urine.
- Prior to collecting the specimen, the collector should fill out the appropriate sections of the Chain of Custody Form. Once the specimen has been collected and with the offender observing the process, the collector will then affix the barcode labels to the appropriate locations on the specimen bottle and seal the specimen pursuant to laboratory requirements. It is also acceptable for the collector to remove the barcode label from the chain of custody form and place it on the specimen bottle prior to collecting the specimen.

DOCUMENTATION:

- A detailed chronological entry shall be entered into PACTS as well as the PACTS ECM Drug Detection Module.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Financial Condition

POLICY (Section):

(Note: Designate National and District policy section)

District Supervision Manual: Section 4.14

- According to the [The Guide](#), probation officers must pay close attention to offenders who have outstanding criminal monetary penalties. This requires follow-up, coordination, and persistence."
- In addition to district policy outlined herein, officers should refer to the guidelines as outlined in the [The Guide](#).

TACTICS/PROCEDURE:

1. **Payment Schedule:** A payment schedule will be completed on every defendant that has a court indebtedness of any type unless there is a payment scheduled already determined by the court. (**Exhibit 4.14**) (found on the website under Forms and Policies - select Finance Forms — "Supervision Payment Schedule") The probation officer will closely monitor payment schedules; to include the following procedures:
 - A. The USPO will be available to assist the United States Attorney's Office [USAO] Financial Litigation Unit [FLU] and Clerk's Office concerning the collection of monetary impositions.
 - B. In all cases when there is a supplemental, corrected, or amended JCC, in order that collection of the Judgment is assured and to avoid remission of any restitution for a victim, the USPO will work with the USAO prosecutor and the FLU to ensure that the monetary penalties imposed in the original JCC are included in the new JCC, when applicable.
 - C. The USPO will routinely review each offender's payments to determine whether the payment schedule should be modified and, if necessary, seek a modification of court-ordered payment terms.
 - D. In all appropriate situations where an offender owes a criminal monetary penalty, the USPO will send the FLU copies of all payment agreements and modifications of payments.
 - E. The USPO will notify the FLU of the transfer of jurisdiction by providing the FLU with a copy of the transfer of jurisdiction order of all criminal monetary penalty debtors into and out of the district within 30 days of transfer.

2. **Payment Collection:** All District Court and Magistrate Court cases sentenced in our district that have court debts will pay those debts through the Clerk of Court. The probation office will maintain a supply of postage paid envelopes addressed to the Clerk of Court for each of the three staffed divisional offices:

U. S. District Court
401 West Trade Street
Room 210
Charlotte, NC 28202

309 U. S. Courthouse
100 Otis Street
Asheville, NC 28801

200 West Broad Street
Statesville, NC 28677

These envelopes will be marked: ATTN: CASHIER in order to distinguish them from postage paid envelopes used for other purposes.

These envelopes will be provided to the appropriate offenders, along with the instructions to mail their criminal debt payments directly to the Clerk of Court according to the Schedule of Payments set forth in the JCC. It will be stressed to the offender that the payment be clearly and legibly identified as to the defendant's name, case number and correct mailing address in order for proper credit to be given and in order for the offender to receive his/her payment receipt should a receipt be specifically requested by the offender. Offenders shall be instructed to mail or deliver payments directly to the Clerk of Court's office in the division where their case was adjudicated. Offenders shall be further instructed not to mail cash payments and to make their payments via personal check, certified check or money order. Only money orders will be accepted by the Clerk of Court for child support payments.

The cashiers will identify the payments properly in the cash register system and prepare a receipt for each payment. Incorrect or unidentifiable payments will be returned directly to the offender and noted as such in the mail log. The receipt will be returned to the offender, not to the probation office, as long as the offender makes a specific request for the receipt and also provides a self-addressed envelope. The self-addressed envelope does not need to be stamped, as the Clerk of Court's office will supply the postage. Receipts that are not specifically requested by the offender will be discarded by the Clerk of Court's office.

The probation office will no longer maintain official records of payments made by offenders, but will rely on the records of the Clerk of Court and the FLU of the U.S. Attorney's office to track these payments. Staff in each probation office will be given read/print only access to the accounting system, OPERA (found in PACTS Portal) and

Criminal Offender Payment History Report (COPS) for Court Appointed Counsel (CAC) fee in order to access payment/balance information as necessary. Probation officers will be instructed to request payment information from probation office staff rather than from the Clerk of Court's financial unit.

3. **Supervision Strategies:** Listed below are suggested supervision strategies to be used by the probation officer for the collection of monetary penalties.

A. Determine the offender's assets and liabilities through the investigation of the following:

- 1) If needed, the officer will have every offender with any outstanding monetary penalty execute an Authorization to Release Information, Probation Form 11G (**Exhibit 4.14A**), at the beginning of supervision. This form allows access to financial institution records and is valid during the entire period of supervision.
- 2) Obtain credit reports. The link is provided on the home page of our website.
- 3) Obtain updated financial statement using Form 48 or 48EZ or other forms identified in the Monograph 114 and obtain the offender's supporting documentation for his/her financial statements.
- 4) Make personal observations.
- 5) Obtain public records of real and personal property, tax returns, etc. This can be accomplished with a CLEAR report.
- 6) Assess outside information; i.e., family, neighbors, etc.

B. Options available to aid in the collection of monetary penalties:

- 1) Voluntary garnishment.
- 2) Involuntary garnishment.
- 3) Government garnishment.

C. Modify conditions, if necessary.

D. Restrict travel.

E. Use of U.S. Attorney's Financial Collection Division.

4. Expiration of Supervision for Cases Falling under the Mandatory Victims Restitution Act [MVRA] (offenses occurring on or after April 24, 1996) with restitution and/or a fine:

- A. At least six months prior to the expiration of the supervision term, when it has been determined that an offender will not be able to pay their monetary penalties in full (prior to the expiration of their term of supervision); the offender has complied with the court imposed payment schedule; and there is no issue involving willful failure to pay (noncompliance), the USPO will require the offender to complete the US Attorney's financial statement which can be found on the webpage under Forms & Policies – Supervision Forms. The USPO will provide the executed financial statement to the FLU and also send FLU an email advising of the supervision expiration date.
- B. At least six (6) months prior to the expiration of the supervision term, when it has been determined that an offender will not be able to pay their monetary penalties in full (prior to the expiration of their term of supervision); the offender has not complied with the court imposed payment schedule; but the failure to pay is not willful, the USPO will require the offender to complete the US Attorney's financial statement. At least six (6) months prior to the expiration of the supervision term, the USPO will petition the Court to modify the conditions of supervision to allow for the expiration of the term of supervision with monetary penalties outstanding. Restitution only, requires that the USAO be given a ten-day notification of the petition under Rule 32.1(c). The USPO will include the executed financial statement in their notification to the USAO. (The Court does not receive a copy of the financial statement.) The USPO, using a 12B, will advise the sentencing Court of the defendant's inability to pay any balance remaining on their special assessment, fine and/or restitution. The following statement will be incorporated in the 12B Modification Order for outstanding restitution, **"To modify the conditions of supervision as follows: The defendant's supervision will be allowed to expire with the outstanding financial obligation to be collected by civil means through the U.S. Attorney's Office."** (Exhibit 4.12B)

For outstanding fine or court appointed counsel fees, the following statement will be incorporated in the 12B Modification Order, "To modify the conditions of supervision as follow, the defendant's supervision will be allowed to expire and the outstanding financial obligation is to be remitted."

5. Expiration of Cases owing **Court Appointed Counsel Fees:**

- A. If the unpaid monies are CAC fees only, there is no need to notify the USAO of the petition to have the Court remit the balance owed. The probation officer, using a 12B, will advise the sentencing Court of the defendant's inability to pay any balance remaining on their CAC fees. The following statement will be incorporated in the 12B Modification Order: "**Any outstanding balance of the court appointed counsel fees be remitted at the expiration of the supervision period.**"

***NOTE:** The liability to pay a fine lasts 20 years from the entry of the judgment or 20 years after the release from imprisonment of the person fined, or upon death of the individual fined. 18 U.S.C. § 3613(b). The liability to pay special assessments expires five years after the date of judgment. 18 U.S.C. § 3013. For offenses occurring after October 12, 1982, but before April 24, 1996, the Fourth Circuit found that the obligation to pay restitution expired at the end of supervision. For all cases under MVRA, the liability to pay restitution lasts 20 years plus any period of incarceration or until death of the defendant. (Monograph 114)*

DOCUMENTATION:

- A chronological narrative shall be kept of all pertinent financial information. The officer shall update all financial information in PACTS prior to each case review.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Community Service

POLICY (Section):

(Note: Designate National and District policy section)

District Supervision Manual: Section 4.14

- Community service should be used as a court ordered sanction, not only for criminal behavior, but also as a means for those violating probation and supervised release conditions to be dealt with as an alternative to more severe punishments.
- Court-ordered community service is non-salaried service by an individual or corporation for a set period of time to a civic or non-profit organization.
- Community service encompasses a number of elements which, depending on the individual sentenced, can be tailored to meet various sentencing purposes. These basic purposes are:
 1. Punishment
 2. Rehabilitation
 3. Reparation
 4. Fostering positive relationships between offender, the community, and the Court
 5. Offender accountability and visibility
 6. Employment development
- Community service should be ordered in a manner which can realistically provide a successful outcome for the offender and the recipient agency.
- When making a referral, the probation officer may be confronted with several issues related to the disclosure of criminal record information. The officer is not required to disclose such information to a community service agency unless it is determined that disclosure is necessary due to a potential third-party risk. In such a case, the same guidelines that apply to employment or any other third-party risk situation should be followed. (Guide to Judiciary Policies and Procedures, Vol. X, Section 4302).
- There are non-profit organizations which may be inappropriate placements:
 1. Many hospitals and convalescent homes and care facilities are privately owned and profit oriented. Thus, they do not fit the criteria for placement. (Exceptions may be made on a case-by-case basis)
 2. Non-profits engaging in political action are prohibited;
 3. Religious activities where ministerial functions are performed or work is done on a particular church building. However, churches often sponsor non-sectarian programs that benefit the needy. Placement supervised by a church may thus qualify.
 4. Community service referrals to social organizations are generally inappropriate. The primary concern of such organizations is to meet the membership's social needs.

Legal liability concerns are sometimes raised by probation officers as well as community agencies. The primary considerations are: compensation for offenders who are injured while performing community service; liability of offenders who cause injury to others or damage to property in the course of performing community service; liability of the probation officer for negligent placement of an offender in a position resulting in injury or damage to others; and whether medical and/or liability insurance should be obtained. SEE DISTRICT SUPERVISION MANUEL FOR ADDITIONAL INFORMATION CONCERNING SPECIFIC LIABILITY CONCERNS!

TACTICS/PROCEDURE:

- If community service is being imposed as a sanction, the officer should present a PROB49 to the offender and have them sign the document, agreeing to a modification of their supervision to include the specified number of community service hours.
- Officers then complete a 12B and submit it to the Court, along with the signed PROB49. The 12B should outline the reasons why the sanction is being requested.
- Once imposed by the Court, either at sentencing or by way of a modification, the offender will have to complete the hours at a facility approved by their officer. For the most part, offenders are on their own to secure an approvable place to complete their hours. The exception to this is the Community Service Forestry Project held twice a year, in Franklin, NC. This project is a four (4) day commitment in which offenders work closely with the U.S. Forestry Service doing a variety of projects. If an offender successfully completes the project they receive credit for 150 hours of community service.

DOCUMENTATION:

- Offender who select their own location for completing community service must submit the agency name/address, as well as the point of contact and telephone number. The officer should document this information in the chronological record.
- Should the offender complete their community service hours at any place other than the Community Service Forestry Project, they must complete a Community Service Verification form and have their point of contact at their designated agency sign off on their hours (See Exhibit 4.13A). If the offender completes the Community Service Forestry Project, the Coordinator will send the offender and their supervising officer a letter verifying completion of the hours and reflecting credit for 150 hours of community service.
- Officers should use personal and collateral contacts, as well as documentation to verify completion of community service hours.
- Once all community service hours have been completed the officer should satisfy the special condition in PACTS accordingly.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Travel Restrictions

POLICY (Section):

(Note: Designate National and District policy section)

District Supervision Manual: Section 4.15

- Travel is restricted to the WD/NC, unless otherwise stated on the J&C and/or with the permission of the Court or the probation officer.
- Requests for travel outside the WD/NC should be submitted in *advance* to allow the officer sufficient time to verify the nature and purpose of the travel.
- Officers must seek the express *consent* of the Court or the Parole Commission before granting an offender permission to travel outside of the United States.

TACTICS/PROCEDURE:

Notice to the Visited District:

The officer is not required to provide notice to the visited district when the offender's travel does not pose any identifiable risk or require any action by officers in the visited district; *however, the officer is required to provide timely notice to the visited district whenever there is an identified risk or action by officers in the visited district if appropriate.*

- While the officer may convey initial notice to the visited district by phone, the officer ultimately should provide notice in writing and document it in the case file.
- The officer should provide the visited district with all relevant information, including the dates, locations, and purpose of the travel. The instructions given to the offender; the risk presented by the travel; and the action requested of the officers in the visited district.
- The visited district is authorized to take appropriate action in the case under 18 U.S.C. § 3603(4), which states that "[a] probation officer shall....be responsible for the supervision of any probationer or a person on supervised release who is known to be within the judicial district."
- Officers may also require higher-risk offenders on travel to call in at specified times; to agree to carry secure mobile devices and respond within a defined, reasonable period of time; to wear a sweat patch for the detection of drug use; or, depending on the anticipated length of absence, to check in with the probation office in the travel district.

DOCUMENTATION:

- Upon receipt of any travel request, the officer should document the request in the chronological record, along with the results of the officer's investigation and assessment of the request, the decision made, and the related directives given to the offender.
- Officers may provide travel instructions to the offender either orally or in writing, but must be sure to document the instruction in the chronological record.
- Officers must seek the express consent of the Court or the Parole Commission before granting an offender permission to travel outside of the United States by submitting a memo to the Court. See **Exhibit 4.14** for an example. Officers should upload a copy of the memo to the Court in PDIM, as well as the Court's response. As with any other travel request, the officer should document the request in the chronological record, along with the outcome of the request.

NOTE: Filing with the Clerk of Court of the Court's approval/disapproval is not required.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Bank Robbery Offenders

POLICY (Section):

(Note: Designate National and District policy section)

District Supervision Manual: Section 4.18

- In an effort to assist the FBI in their investigation of area bank robberies, an assigned probation officer is designated as the District Bank Robbery Liaison Officer with the FBI.
- The Bank Robbery Liaison Officer will keep all field officers in the district abreast of bank robberies as they occur by providing photographs of suspects when they are available.
- Probation Officer John T. Holiday serves at the District Bank Robbery Liaison Officer.

TACTICS/PROCEDURE:

- Officers are required to complete the Bank Robbery Information Sheet found in Word NCWP Templates.

DOCUMENTATION:

- The completed Bank Robbery Information Sheet has to be disseminated to the following:
 1. Scanned in the defendant's PDIM file
 2. Email a copy of the form to the Districts Bank Robbery Coordinator
- Officers need to chrono their completion of the Bank Robbery Information Sheet as well as their submission to the Districts Bank Robbery Coordinator.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: DNA

POLICY (Section):

(Note: Designate National and District policy section)

District Supervision Manual: Section 4.19

- Officers should review **Exhibit 4.18**, "DNA Analysis Qualifying Offenses Under Public Law No. 108-405," and identify any offender under supervision that meets the requirements for testing.

TACTICS/PROCEDURE:

- Officers should follow the following guidelines to insure collection is made:
 1. Review the pre-release packet sent by the BOP to see if a "DNA Status Notification Form" was included in the packet. If the offender did not complete this while in custody, officers may also check in PACTS portal to external resources, BOP Offender Release Report, to see if DNA was collected and the date of the collection.
 2. If DNA is needed, the officer should schedule a DNA buccal swab collection.
 - A. Notify the offender of this new requirement at his initial assessment and orientation interview. If the offender hesitates or is otherwise uncooperative, he should be instructed that failure to cooperate is a class A misdemeanor under 42 U.S.C. 1413a(a)(5) and punishable by a sentence of one year in prison and fines up to \$100,000 and a violation of his/her supervision.
 - B. The USPO should schedule to collect the DNA buccal swab at a field visit or an office visit, whichever is safest for the USPO. The USPO should follow the instructions included in the buccal swab kit and complete all the necessary paperwork.

NOTE: Our district number is 0419
 - C. The officer should mail the collection kit in accordance with the procedures outlined in the kit.

DOCUMENTATION:

- Once the DNA collection has been made, officers should place the date of the collection in the PACTS case plan in the appropriate field and scan the buccal collection sheet into PDIM.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Residential Reentry Center (RRC) and Jail Referrals

POLICY (Section):

(Note: Designate National and District policy section)

District Supervision Manual: Section 4.21

Pursuant to 18 U.S.C. § 3563(b) and 18 U.S.C. § 3583(d), the Court may impose a condition of probation or supervised release which requires an offender to serve a period of confinement at a Residential Reentry Center or a jail facility, approved by the Bureau of Prisons. Refer to **Exhibit 4.21** for lists of approved facilities in the Western District of North Carolina.

TACTICS/PROCEDURE:

RRC and intermittent confinement referrals can be utilized as a sanction for noncompliance or as a resource to further assist the offender's transition to the community. A Prob 49 and 12B must be completed by the officer in both cases, unless the Court orders such a condition at a hearing.

- Upon receipt of the file stamped copy of the judgment or modification order, the probation officer or clerk will prepare a referral letter to the Bureau of Prisons requesting designation at an appropriate facility.
- For a period of confinement to be served on weekends or other intervals of time, a jail facility should be utilized. The probation officer or clerk will provide the Bureau of Prisons with a referral letter and copy of the judgment or modification order.

FTO: Note the differences between RRC referrals, intermittent confinement referrals, and DROPS sanctions.

DOCUMENTATION:

- The completed RRC or intermittent confinement referral forms/letter must be scanned into PDIM.
- Officers must chrono any correspondence from the BOP related to the offender's placement.

Acknowledgment:

The above task was explained and/or demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Low Risk Supervision

POLICY (Section):

(Note: Designate National and District policy section)

District Supervision Manual: Section 4.22

- Cases that score 0, 1, or 2 on the RPI will not require a PCRA and are to be transferred to the Low Risk caseload at the initial case plan.
- If the officer determines that closer supervision is warranted due to extenuating circumstances, the PCRA will be completed. If the PCRA categorizes them as low, the case is to be staffed with a SUSPO, and a professional override should be documented in the chronological narrative with a justification for the override.
- Unemployment alone should not be considered an extenuating circumstance. [Offenders that are on location monitoring and/or in mental health or substance abuse treatment would not be eligible until these conditions are satisfied.]
- The following types of cases are excluded from consideration to low risk:
 1. Offenders whose instant offense of conviction is a violent felony and/or who have previously been convicted of two or more violent felonies, where “violent felony” is defined by 18 USC § 924(e)(2)(B).
 2. Sex Offenders.

TACTICS/PROCEDURE:

- The assigned USPO is responsible for completing the referral process to the Low Risk caseload. If a Home Inspection was not completed at the offender's current residence during Pretrial Supervision, the assigned officer needs to complete a Home Inspection prior to transferring the case to Low Risk.
- Transfers do not necessarily need to be held until the next case review is completed. The following supervision conditions should be met/completed before the transfer:
 - Record checks must be completed within thirty (30) days of transferring the case to the Low Risk Caseload.
 - Cases pending adverse action or cases with new criminal convictions (excluding minor traffic offenses) **may not** be accepted.
 - Before submitting the case to the SUSPO for staffing, complete a record check (Global AOC and/or NCIC) and a case review/plan update if it is due within the month the case is being transferred.
 - DNA should be collected before transfer.

DOCUMENTATION:

The transferring officer must complete a transfer summary and notify their SUSPO upon completion. The SUSPO will then send an email to the Low Risk officer and clerk notifying them of the transfer.

Acknowledgment:

The above task was explained and/or demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Computer Monitoring

POLICY (Section):

(Note: Designate National and District policy section)

District Supervision Manual: Section 4.25

Introduction

- This policy is written for those offenders who have been convicted of an offense involving the misuse of a computer and the continued use of a computer has been allowed by the Court. In most instances, computer use for these offenders will not be allowed except by Court permission.
- In accordance with the Court's order and reasonable court expectations, monitoring software shall be installed on an offender's computer as soon as practicable after the offender is released from custody or placed under supervision.
- In cases where an offender has multiple computers or a single computer with multiple operating systems, the officer installing the monitoring software will direct the defendant to use only that computer or operating system that can be monitored. Any computer/operating system that cannot be monitored must be disabled or secured from the defendant's use in an appropriate manner (e.g. use of evidence tape, surrender of unit, or other means).
- If an offender has access to a computer at a school or employment, that computer must be monitored or it cannot be used by the offender. In such a situation, the probation officer may request that the offender agree to notification of the third party so that permission for monitoring may be secured. If the offender prefers that the third party not be notified, or if the third party refuses to permit monitoring, then the offender will be advised that he/she may not use the non-monitored computer(s).

Installation of Computer Monitoring Software

- At the outset, if there is a fee involved in the monitoring, the offender must agree to pay this fee or computer use will not be allowed.
- When possible, at least two probation officers should be present during the installation process. One officer installs the software while the other officer is with the offender out of the proximity of the computer. This is done to insure the safety of both officers as well as the integrity of the software installation.
- The monitoring software will remain installed on the offender's computer for the duration of supervision, or as noted by the Court. Non-software-specific information shall be disclosed to the offender concerning the name of the software, its capabilities or its limitations.

Removal of Monitoring Software

- When available and for officer safety, two probation officers should be present during the removal of the monitoring software. One officer should remove the software and the other officer should be with the offender away from the proximity of the computer.

Monitoring Software

- Any officer installing the computer monitoring software must take a tutorial on the installation process. This tutorial can be conducted online with the monitoring software company, Internet Probation Parole Controls (IPPC). For information on contacting IPPC, please see the web page for the information on how to set up the tutorial which will be located in the training site section of the web page.
- Each officer will be assigned a unique login id and password for which to view the daily activity of their offenders.

TACTICS/PROCEDURE:

- The participating offender shall be provided a copy of the Computer Monitoring Agreement (Exhibit 4.25), which must be signed as evidence of his/her understanding of, and agreement to, the monitoring program.
- The probation officer shall conduct, at minimum, weekly review of all information received from the computer monitoring software and denoted the same in the case chrono's. Any violations found shall be immediately evaluated, staffed with the unit SUSPO, and the Court informed, as appropriate. Such activity shall be documented in the chronological record as directed by district policy.

DOCUMENTATION:

- The signed Computer Monitoring Agreement must be scanned into PDIM.
- As is the custom with any other type of monitoring equipment, officers denote in the chrono's anytime he/she install, checks and/or removes the equipment.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Closing Cases

POLICY (Section):

(Note: Designate National and District policy section)

District Supervision Manual: Section 4.23

- Post-Conviction Supervision cases can be closed due to any of the four reasons:
 1. Early Termination

Title 18 U.S.C. 3564 (c) and 3583(e)(1) permit the Court to terminate terms of probation in misdemeanor cases at any time and terms of supervised release or probation in felony cases after expiration of one year of supervision if satisfied that such action is warranted by the conduct of an offender and is in the interest of justice.
 2. Termination by Death
 3. Expiration
 4. Cases Vacated and Remanded by to the Circuit Court

TACTICS/PROCEDURE:

- An assessment for recommending early termination should be made for offenders who have been under probation supervision for at least 2/3 of their sentence.
- An assessment for recommending early termination for supervised release cases should be made for offenders who have been under supervision for at least 18 months.
- Subsequent to agreement of the SUSPO for early termination, the officer should complete Probation Form 35 for the Court (**Exhibit 4.21**). Since early termination is favorable to the defendant, the U.S. Attorney's Office should be notified pursuant to Rule 32.1(b) of the Federal Rules of Criminal Procedures and given 10 days to respond.
- 60 days prior to closing, if there any outstanding financial obligations a 12B needs to be submitted.

DOCUMENTATION:

A. Early Termination for Post-Conviction Cases

- It should be discussed with the supervisor as part of the periodic evaluation process and noted in the chronological record.
- Subsequent to agreement of the SUSPO for early termination, the officer should complete Probation Form 35 for the Court.
- Since early termination is favorable to the defendant, the U.S. Attorney's Office should be notified pursuant to Rule 32.1(b) of the Federal Rules of Criminal Procedures and given the 10 days to respond.

	<p>B. Termination by Death</p> <ul style="list-style-type: none">• Officers should chrono the death certificate and scan it in PDIM.• Officers are to complete Closing Summaries in PACTS.• Once the Closing Summary is complete, the officer should notify their Clerk that the case is ready for closing. <p>C. Expiration</p> <ul style="list-style-type: none">• Officers are to complete Closing Summaries in PACTS will be completed in each probation, parole, and supervised release case.• Once the Closing Summary is complete, the officer should notify their Clerk that the case is ready for closing. <p>D. Cases Vacated and Remanded by to the Circuit Court</p> <ul style="list-style-type: none">• Should the order vacate the term of supervised release, the officer will notify the pretrial supervisor and close the term of supervised release.• Officers are to complete Closing Summaries in PACTS.• Once the Closing Summary is complete, the officer should notify their Clerk that the case is ready for closing.
	<p>Acknowledgment:</p> <p>The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:</p> <p>Trainee: _____</p> <p>FTO/Designated Trainer: _____</p> <p>Date: _____</p>

TASK: Managing Noncompliant Behavior

POLICY (Section):

(Note: Designate National and District policy section)

National Policy: Guide to Judiciary Policy, Vol. 8, Pt. E, Chapter 6 District Supervision Manual: Sections 5.1 – 5.10

- Officers should respond to noncompliance using an intervention that contains both controlling and correctional strategies. Controlling strategies provide accountability, while correctional strategies provide assistance and offer an offender the opportunity to succeed.
- Officers should assess the need for additional monitoring services to maintain the proper level of awareness of the offender's condition and behavior.
- As appropriate, Officers should report to/request action by the Court or Parole Commission in a timely manner.

Minimum Requirements for Reporting Violations

- **Grade A Violations: Mandatory Report (12C).** Examples include: New federal, state, or local crime punishable by an imprisonment term exceeding 20 years; and conduct constituting a federal, state, or local crime punishable exceeding one (1) year that is a crime of violence, controlled substance offense, or involves possession of a firearm or destructive device.
- **Grade B Violations: Mandatory Report (12A, 12B, or 12C).** Example: Conduct constituting a federal, state, or local offense punishable by a term exceeding one (1) year of imprisonment.
- **Grade C Violations: Mandatory Report (12A, 12B, or 12C).** Examples include: Failure to report within 10 days of release from custody – whereabouts unknown; new law violation punishable by one (1) year or less that involves violence, firearms, or possession of a controlled substance; whereabouts unknown to USPO for 30 days; four (4) positive drug tests in one calendar year; fine or restitution in default; association with someone engaged in criminal activity after warning; entering an agreement to work as an informant without permission of the Court; failure to comply with RRC rules resulting in unsuccessful termination; willful failure to comply with home detention or community service; failure to comply with substance abuse or mental health treatment requirements resulting in unsuccessful discharge treatment; failure to submit to search; failure to permit home and/or community contacts; and willful violation of any special condition.

- **Grade C Violations: Mandatory Reporting to SUSPO.** Example: New law violation punishable by one (1) year or less that does NOT involve violence, firearms, or possession of a controlled substance, or DWI.
- **Grade C Violations: Discretion of USPO.** Examples include, but are not limited to: Failure to submit monthly reports in a timely manner; failure to report to USPO as directed; failure to notify USPO of LE contact within 72 hours; failure to notify USPO within 72 hours of a change in residence or employment; failure to maintain gainful employment; excessive use of alcohol; associating with a convicted felon without permission; travelling outside the district without permission; failure to provide access to personal or business financial information upon request; acquiring new credit without permission; being untruthful or uncooperative with USPO; and failure to notify third parties of risk identified by USPO.

TACTICS/PROCEDURE

- **Considerations:** 1) Nature and degree of noncompliant behavior and context in which the behavior occurs; 2) Past history of the offender; 3) Offender's overall adjustment to current supervision term; and 4) Circumstances surrounding current instance of noncompliance.

Interventions should be:

- Purposeful and Proportionate and Guided by the Need to:** 1) Protect the community; 2) Promote compliance with Court orders; and 3) Facilitate positive change.
 - Multidimensional:** Contain controlling and correctional strategies (i.e. the most minor infraction can be addressed with a warning or reinstruction, while the most serious infraction can be addressed with a recommendation for revocation).
 - Certain and Timely:** Sanctions should be implemented swiftly to increase effectiveness (i.e. increasing drug testing frequency and preparing an offender for treatment while they are awaiting placement in a treatment program).
 - Realistic:** Intervention requirements should not be impractical (i.e. 80 hours of community service per week or getting a job within 24 hours).
 - Intervention should be sufficient, but not greater than necessary** to bring the offender into compliance and promote successful reintegration to the community.
- Consider community-based interventions for technical violations unless there is an imminent threat to public safety or if there is repeated noncompliance after less intrusive community-based interventions have failed.

- Consider a revocation request when the noncompliance poses a significant or imminent risk to the community, new felonious criminal behavior, a pattern of chronic or serious noncompliance, or is otherwise required by statute.

Types of Violations & Examples of Responses

- **Low Severity Violations:** Minor or nonrecurring violations. Examples: All non-recurring technical violations; and minor traffic citations.

Examples of Responses to Low Severity Violations: *Controlling Strategies Include:* Oral reprimand, written reprimand, set limits, establish deadlines, minor restrictions, behavioral contract, and restrict travel. *Correctional Strategies Include:* Review conditions, counsel/provide advice, refer for services, enlist collateral support, provide job assistance, and provide budget/financial help.

- **Moderate Severity Violations:** More chronic or severe in nature. Examples: Positive drug test, two or more drug test stalls, misdemeanor arrest, serious traffic violations such as DUI, Hit & Run, or Reckless Endangerment; violation of home detention; unsuccessful termination from a treatment program; and recurring technical violations.

Examples of Responses to Moderate Severity Violations: *Controlling Strategies Include:* Noncompliance meeting in office, staffing with SUSPO, written reprimand, intensive supervision, increased drug testing, curfew, home detention, and placement in RRC. *Correctional Strategies Include:* Review conditions/reinstruct, increase counseling services, expand delivery of social services, correcting community service, clinical intervention, vocational rehabilitation, and establish behavioral contract.

- **High Severity Violations:** Violations that require revocation by statute, involve substantial risk to the public, or represent repeated noncompliance after less intrusive community-based interventions have failed. Examples: Grade A or B violations; any felonious conduct that can be established by preponderance of the evidence; possession of a controlled substance; refusal to comply with drug testing; threats against the public; four (4) or more positive urine tests in a calendar year; and possession of a firearm, silencer, or destructive device.

Examples of Responses to High Severity Violations: *Controlling Strategy:* Request for revocation. *Correctional Strategies Include:* Consider voluntary surrender vs. remand following revocation; Bureau of Prisons designation issues specific to defendant; and consider institutional programming needs.

DOCUMENTATION:

- Each incident of noncompliance and the response to that noncompliance must be documented clearly and concisely in the chronological narrative.

- **Guidance:** The United States Sentencing Commission provides guidance for the reporting of noncompliant behavior of probationers and supervised releasees (U.S.S.C. Sentencing Guidelines Manual). The United States Parole Commission does so for parolees and mandatory releasees.
- **Jurisdiction:** Noncompliance should be reported to the Court that has jurisdiction of the case. If a Court other than the Western District of North Carolina has jurisdiction, the officer should send a letter recommending the appropriate action to the probation office in the district of jurisdiction.
- **Informational Reports (12A):** Report on Offender – No Court Action Requested. Officer summarizes the noncompliant behavior and the controlling and correctional strategies to be used, as well as any monitoring strategies deemed necessary.
- **Request for Court Action with Consent and Waiver (12B):** An appearance in court is not required if the offender waives his or her right to a hearing and representation of counsel and agrees to a modification of conditions.
- **Request for Court Action without Consent and Waiver (12D):** Use this form to initiate a modification hearing or judicial compliance hearing when an offender does not waive his or her right to a hearing and representation of counsel or does not agree to the proposed modification of conditions.
- **Petition for Warrant or Summons (12C):** Used to initiate the revocation process. Defendant is entitled to written notice of the alleged violations and disclosure of evidence at a revocation hearing. Be thorough but to the point; list each alleged violation separately together with the elements to establish its occurrence; use only verified or factual information; identify and cite sources of information in report; whenever possible, avoid second hand hearsay testimony.
- **Addendum to Petition for Warrant or Summons:** Used to modify anything contained in original petition (i.e. add additional violations or modify violations).

Acknowledgment:

The above tasks were explained and demonstrated by the FTO (or other designated person). The trainee observed completion of one (1) 12B and three (3) other incidents of noncompliance being addressed in various formats. The trainee practiced and demonstrated these tasks, responded to three (3) incidents of noncompliance, and successfully completed one (1) 12B to the trainer's satisfaction this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Chronological Narratives.

POLICY (Section):

(Note: Designate National and District policy section)

National Policy: Guide to Judiciary Policy, Vol. 8, Pt. E, Chapter 6

District Supervision Manual: Sections 6.1 and 6.2

PACTS 5.6.4 Chronos/Client History User Guide

The chronological record is the means by which officers document key elements of the offender's circumstances and the supervision process, with emphasis on the work done to accomplish the desired outcomes of supervision and the results achieved. It is essential that these records be complete, accurate, and prepared contemporaneously with the event recorded.

In keeping chronological records, the officer must remember that the following content is generally inappropriate or always inappropriate to include: incidental communications among office staff (e.g., e-mails between officers to schedule a home contact or a case staffing); to record the receipt of routine documents (e.g., monthly reports from offenders or treatment providers or documentation of financial payments) that are themselves in the file *unless* they reflect changed circumstances or otherwise prompt officer action. Avoid verbatim "I said then she/he said" reporting and get to the point. Avoid editorializing and recording unsupported personal opinions. Do not record extraneous information that is not germane to supervising the offender.

Chronological narratives should be entered into the PACTS database within 5 working days after the contact is made. All chronological narrative entries shall contain an accurate time stamp

TACTICS/PROCEDURE

Choosing the correct contact code is important to receive an accurate assessment of how a case is being supervised. More than one code can be used for each narrative entry and the use of multiple codes is at the discretion of the officer.

Chrono Type	Select probation or pretrial.
Contact Date	Date of contact.
Contact Time	Time of contact.
Chrono Author	Defaults to logged in user. This is the "owner" of the chrono – not the staff member who types it.
Contact Codes Category	Select from drop down list.
Chrono Contact Code	Select from drop down list.

Chrono Contact Code List	Appears once a contact code category and contact code is selected from above.
Chrono Notes	Type information related to client here.
Confidential	Check if applicable. NOTE – Only assigned officer or officer supervisor and above can see confidential chronos.
Flags	Check if applicable.

DOCUMENTATION:

All chronological narratives are recorded in *PACTS*. You are required to make a Chrono entry for every contact relevant to the defendant or offender that you supervise or monitor.

The PACTS User Guide offers additional instructions for doing the following:

- Viewing Chronos/Client History
- Using the Filtering Options
- Important Search Tips
- Creating New Chrono or Modifying an Existing Chrono
- Using Officer Tools
- Adding a Chrono to Multiple Clients
- Viewing, Adding, and Modifying Chronos Using My Cases
- Running PACTS National Chronos Reports
- Running a Chronos Report

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Transfer of Jurisdiction (In and Out), Courtesy Supervision

POLICY (Section):

(Note: Designate National and District policy section)

National Policy: Guide to Judiciary Policy, Vol. 8, Pt. E, Chapters 3 and 6
District Supervision Manual: Sections 8.1 – 8.5

Transfer of supervision in post-conviction cases from one district to another should only be considered when relocation is more likely to maximize an offender's success during the period of supervision and beyond. Factors relevant to the transfer decision include: acceptable support system and family ties, employment and education, and stability of residence. Pending charges, criminal history, nature of the instant offense, and supervision history are not relevant factors.

Noncompliance should be reported to all of the courts that have jurisdiction over the offender. If another court has jurisdiction, the officer should send the report through the probation office in the other district and request transfer of jurisdiction. The Judicial Conference recommends transfer of jurisdiction for offenders in violation of the conditions of release to reduce burden and expedite the response.

TACTICS/PROCEDURE

Transfer of jurisdictions to the Western District of North Carolina typically happen through investigations and acceptance of cases. The most common occurrence is when the officer receives a pre-release investigation from the institution. The officer investigates the release plan and residence, accepts the case for regular or courtesy supervision. The offender releases from the institution to this district. Once the officer determines that the offender intends to permanently reside in this district, a transfer of jurisdiction should occur. The officer initiates this process with his or her clerk and ensures the transfer of jurisdiction process is complete. It is also a good idea to add the search condition once this process is complete, as many other districts do not routinely impose the search condition.

Officers are encouraged to wait until the second case review (6 month mark) to proceed with transfer of jurisdiction to this district if there are not strong ties to the community.

FTO: It is important to explain the differences between transfer of supervision and transfer of jurisdiction.

DOCUMENTATION:

All transfer of jurisdictions in and out of the district are documented on the Probation Form 22.

Within-district transfers are documented through a transfer summary. The TS chrono code is utilized, but the case is not closed at that time. The chrono should contain the verbiage, "TRANSFER SUMMARY." The summary should contain the reason for the reassignment, problems encountered during supervision, efforts made to address them, the offender's response to supervision, status of special conditions, and the date of reassignment.

Acknowledgment:

The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Parole, Special Probation, ICE, Juvenile Issues, DC cases, Conditional Release, Supplemental Reports/Treaty

POLICY (Section):

(Note: Designate National and District policy section)

National Policy: Guide to Judiciary Policy, Vol. 8
District Supervision Manual: Sections 10.1–17.1

POLICY (Parole): Pg. (105-107) - To be reviewed by new hire.

- A probation officer's duties are expanded to the parole population by [18 U.S.C. § 4203](#) (which provides the U.S. Parole Commission with the power to request probation officers to provide services deemed necessary for maintaining proper supervision of and assistance to offenders on parole); and [18 U.S.C. § 3655](#) (which requires that probation officers perform their instructing, monitoring, assisting and reporting duties with respect to offenders on parole as requested by the Parole Commission).
- Types: Federal Offenders, Military Offenders and D.C. Code Offenders.
- These cases are rare, and if assigned one of these cases, you should staff expectations and procedure with your SUSPO.

POLICY (Special Probation): Pg. 107-109- To be reviewed by new hire.

- These are rare occurrences that a new hire will not regularly come across. If you are assigned one of these cases, staff with your SUSPO to clarify expectations and procedure.

POLICY (ICE): Pg. 109-110 To be reviewed by new hire

- When ICE cases (cases scheduled to be deported) are sentenced to a term of TSR, the projected release date from the BOP is to be entered into PACTS for tracking purposes. A designated SUSPO and Clerk will be assigned these cases. Currently, the designations are divided among the SUSPOs and Clerks based upon the alphabet and its association with the offender's last name. The designated Clerk will monitor the case and, if no issues arise, close the case upon the TSR expiration date.

POLICY (Juvenile Issues): Pg. 110-118 To be reviewed by new hire

- Juvenile cases are to be handled with extreme caution when dealing with confidentiality and dissemination of information.
- If assigned one of these rare cases, review the above pages of the policy and staff with your SUSPO for any additional expectations or procedure.

POLICY (DC Cases): Pg. 118-120 to be reviewed by new hire

- Two courts operate in the District of Columbia. One is the U.S. District Court, the other is the District of Columbia Superior Court.
- If someone is given an active sentence out of the District of Columbia Superior Court, that sentence will be served in one of the Federal Bureau of Prisons Institutions. Pursuant to the District of Columbia Sentencing Reform Act of 2000, effective for offenses committed on or after August 4, 2000, parole was abolished for all felony offenses. Under the new system, all felony offenders, including Youth Act offenders must serve a term of supervised release following any term of imprisonment imposed. Supervised release essentially replaces parole.
- Offenders on supervised release are under the jurisdiction of the U.S. Parole Commission. The U. S. Parole Commission will decide the specific terms of the period of supervised release, whether to modify the term(s) or revoke supervised release and the length of any prison sentence upon revocation of supervised release. The (District of Columbia) Court Services and Offender Supervision Agency ('CSOSA') will supervise offenders on behalf of the Parole Commission. Any questions regarding these cases can be directed to the U.S. Parole Commission at (202) 346-7000. The telephone phone number for CSOSA is (202) 220-5300 and they can also be contacted through their website, www.csosa.gov. It should be noted that under this statute, no supervised release is authorized for misdemeanor offenses.
- If a probation sentence is given by the U.S. District Court in the District of Columbia, it is handled like other cases our office receives from other Districts. Our office should get few Parole cases from the Federal Court in the District of Columbia. If we do receive one of these cases, it would be processed and supervised as any other Federal Parole case.

POLICY (Conditional Release): Pg. 120-125 to be reviewed by new hire

- Conditional Release, unlike probation, parole, and supervised release, is a civil rather than criminal form of supervision.
- The Federal Courts Administration Act of 1992 authorized probation officers to supervise persons conditionally released under the provisions of [18 U.S.C. §§ 4243](#) (Hospitalization of a Person Found Not Guilty By Reason of Insanity) and [4246](#) (Hospitalization of a Person Found Guilty and Due for Release but Suffering from a Mental Disease or Defect). Any probation officer supervising these cases must thoroughly review these statutes.
- If assigned one of these rare cases, review the policy by the listed page numbers above and staff the case with your SUSPO for expectations and procedure.

POLICY (Treaty): Pg. 126-130- to be reviewed by new hire

- Title [18 U.S.C. § 4100](#) et seq., authorizes the transfer of offenders to or from foreign countries, pursuant to the conditions of a treaty agreement. Title [18 U.S.C. § 4102](#) authorizes the Attorney General to act on behalf of the United States in regard to such treaties. The Attorney General has delegated to the Director of the Bureau of Prisons the authority to receive custody of, and to transfer to and from the United States, offenders in compliance with the conditions of the treaty.

- Generally, a treaty provides for an individual, convicted of a crime and sentenced to imprisonment or some form of conditional release (probation, parole, etc.) in a country other than his or her country of citizenship, to be transferred to the individual's country of citizenship for sentence completion. An inmate's transfer must be voluntary and subject to both countries' approval. An inmate with a pending fine will not be transferred to the country of their citizenship without the consent of the United States Court which imposed the fine.
- If assigned one of these rare cases, review the policy the listed page numbers above and staff with your SUSPO for expectations and procedure.

Acknowledgment:

The above tasks were explained by the FTO (or other designated person). The trainee read the policy (pg. 105-130) and signs below that he/she understands these pages and will staff assignment of these cases with their SUSPO for any additional questions or concerns to be addressed.

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Summonses, Warrants, and Revocation Procedures

POLICY (Section):

(Note: Designate National and District policy section)

National Policy: Guide to Judiciary Policy, Vol. 8, Pt. E, Chapter 6

District Supervision Manual: Sections 5.11 – 5.16

Summons: Used to initiate revocation proceedings when an offender is not in custody; his or her whereabouts are known; he/she does not pose a danger (physical or otherwise) to others and does not pose a risk of nonappearance; and the offender is likely to appear voluntarily for a revocation hearing.

A summons may be delivered in person or left at an offender's dwelling or usual place of abode with some person of suitable age and discretion who resides there, with a copy of the summons being mailed to an offender's last known address. It is the responsibility of the assigned case officer to serve a summons.

A summons should include: The date, time, and place of hearing as well as a copy of the Petition for Summons (12C) outlining the alleged violations.

Warrant for Arrest: Used to initiate revocation proceedings when an offender has absconded from supervision; the offender's presence in the community poses a danger to himself/herself and/or others; he/she poses a risk of nonappearance; or if the offender has failed to respond to a previously issued summons. **For offenders who have absconded, an officer must complete a "Personal History of Absconder" form to assist the U.S. Marshal in executing the warrant.

Dismissal of a Summons or Warrant: If an officer wishes for a summons or warrant to be dismissed prior to a revocation hearing, the officer should notify the U.S. Attorney's Office of the reason(s) dismissal is being requested and they will prepare and submit an order to the Court.

TACTICS/PROCEDURE

- Preparation of a Petition for Summons or Warrant (12C) by USPO. There are several examples of 12C's available for review on our intranet site under the Supervision team page and Supervision Documents. All 12C's shall be reviewed and approved by SUSPO before being submitted to the Court.
- Preparation of SRV Guideline Worksheets.
- Summons or Warrant for Arrest issued by the Court.
- Summons or Warrant for Arrest served on offender by Probation Officer, U.S. Marshals Service (warrant only), or other law enforcement agency (warrant only).

Initial Appearance Hearing: Prompt hearing typically held before a Magistrate Judge. Offender is notified of the alleged violations and afforded the opportunity to either retain counsel of his/her choice or request court appointed counsel.

Preliminary Hearing: Hearing typically held before a Magistrate Judge. Notice as to the alleged violations and the right to have counsel present is provided to the offender; offender has the opportunity to appear and present evidence on his/her behalf and question any witnesses that may be present. The Court will make a determination as to whether or not there is probable cause that the alleged violations occurred. An offender can waive his/her right to a Preliminary Hearing.

Detention Hearing: If the Court determines that probable exists at the Preliminary Hearing, the Court will then determine if the offender should be released or detained pending future revocation proceedings. Counsel for the Government and Defense Counsel have an opportunity to argue their position with respect to release or detention before the Court.

Case File Management in Preparation for a Hearing:

- Preparation begins the day a case is assigned
- Always document events when they happen (detailed narratives important)
- Document only information pertinent to the investigation or supervision of the case
- Document behaviors that show either compliance or noncompliance with conditions of probation or supervised release
- Be concise
- Reserve opinions for assessment, evaluation, and recommendation sections or your record
- Avoid language that may imply a bias toward the offender

Preparing for a Hearing:

- Be thoroughly familiar with all case information
- Start preparation a few weeks prior to the hearing (if possible)
- Gather all discovery information (documents, audio, video) pertaining to any alleged violation and provide to assigned AUSA for distribution to defense counsel
- Common Discovery Documents: Admission of Drug Use, lab reports and/or chain of custody forms (positive UA's), treatment records (noncompliance with treatment), arrests reports, witness statements, and conviction/sentencing orders (new law violations)
- Line up any witnesses and request subpoena from AUSA if necessary. USPO's responsibility to serve subpoena once issued
- Be careful what you include in e-mail or voice mail messages to prosecution or defense counsel as disclosure of all information is mandatory
- Know statutory and guideline provisions and anticipate potential changes to guidelines depending on different grades of violation
- Meet with the AUSA and review case prior to hearing
- Schedule prep time the day before the hearing for final review
- Anticipate defense attorney, AUSA, and Court's questions and rehearse responses

Recommended Documents to Bring to Court

- PSR
- Signed Judgment or Amended Judgment (if applicable)
- Filed 12A's or 12B's
- Instant 12C and any prior filed 12C's, plus any Amended 12C's or Addendums (if applicable)
- Recommendation Page (*Do not take on stand if called to testify)
- Printed version of all post-conviction supervision narratives (*Do not take on stand if called to testify)
- SRV Notes Page: Typed notes for quick reference including all relevant dates and information pertaining to the alleged violations (sentencing date, release date, modification dates, violation conduct dates and specifics)
- SRV Guideline Calculation Worksheets
- Sentencing Guidelines Manual
- Remember that anything you bring to the witness stand is subject to disclosure as evidence/discovery.

Revocation Hearing: Hearing typically held before the District Court Judge to determine if there is a preponderance of evidence that the offender committed the alleged violations. Notice of the right to be represented by counsel is provided to the offender; he/she is provided written notice of the alleged violation(s); evidence is disclosed; offender has the opportunity to appear and present evidence on his/her behalf and is also afforded the opportunity to question adverse witnesses. The Court makes the final determination as to whether or not the offender committed the alleged violations. If the offender is found in violation of his/her conditions of probation or supervised release, the Court will determine the appropriate sentence. Counsel for the Government and Defense Counsel have an opportunity to argue their position with respect to sentencing before the Court. Modification, revocation, or termination of supervision could all be options for the Court to consider.

DOCUMENTATION:

Petition for Summons or Warrant (PROB12C)

Summons in a Criminal Case (AO83)

Arrest Warrant (AO442)

Personal History of Absconder (PROB20)

Case File Material: Detailed above.

Discovery Material: It is the assigned case officer's responsibility to provide ALL available supporting documentation and witness information pertaining to the alleged violations to counsel for the Government and Defense Counsel. Do not send chronological narratives to

	<p>either Government or Defense. As previously noted, it is recommended that the Probation Officer provide all discovery information to the assigned AUSA and ask that he/she provide copies to Defense Counsel.</p>
	<p>Acknowledgment:</p> <p>The above task was explained and demonstrated by the FTO (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:</p> <p>Trainee: _____</p> <p>FTO/Designated Trainer: _____</p> <p>Date: _____</p>

CLERICAL TRAINING PROGRAM
GENERAL CLERICAL DUTIES
North Carolina Western



****The Clerical Trainer will review general clerical duties as well as specific divisional core duties with the trainee****

Duty/Task	Description	Reference Material	Date Completed	Trainer
<p>Telephones and responding to phone inquires</p> <p>*See Task Sheet – Telephone Procedures*</p>	<p>Provide the latest Quick Reference Telephone Guide. Assist with creating personal external and internal greetings. Discuss proper phone etiquette. Review PACTS' client searches (name and ID) and how to determine the current or prior USPO assignment. Discuss the importance of confidentiality and the PSI disclosure policy. Discuss the forwarding of frequent phone calls pertaining to requests for immediate federal court appearances, victim restitution, notification of citation/arrests, and inquiries for state and county probation. Review duty officer rotation and the website's In/Out Board.</p>	<p>*Administrative Manual, Section 3.C-8 and 3.C-9 *PSI Manual, Section 8; *Probation Home Website; *PACTS Manual-Client-General</p>		
<p>Defendant/Offender and Other Visitor Contacts and Reception Duties</p> <p>*See Task Sheet – Defendant/Offender and Other Visitor Contacts*</p>	<p>Discuss the use of proper and courteous greetings. Review the Visitor Log and the issuance of visitor badges. When applicable, discuss the policy for parking validations. Review general office safety and location of duress alarms. Reveal the emergency safety code word. Review chrono codes and contact PACTS' entry applications.</p>	<p>* Administrative Manual, Section 3.C-10, 3.C-11, and 7.A-1 *Safety Manual, Section 2.1 *Internal Controls Manual (ICM), Section H, (1)f. *PACTS Manual-Client-Chronos</p>		

PDIM	Review all unit's PDIM Cheat Sheets and instructions maintained in the PACTS Manual.	*PACTS Manual-PDIM		
Mail Processing *See Task Sheet – General Office Mail Procedures*	Review the district's Mail Safety Policy and view the Suspicious & Unknown Mail/Package/Explosive Awareness Training video. Demonstrate how to operate the postage machine. Discuss the process for ordering funds and repair. Practice processing incoming mail to include scanning and upload per PDIM Cheat Sheets.	*Safety Manual, Section 2.2 *Guide to Judiciary Policy, Volume 8, Part G: Criminal Monetary Penalties (Monograph 114) *Safety Website-Safety Links *PACTS Manual-PDIM		
Automated ECF/PDIM Uploads and NPR Extractions *See Task Sheet – Automated ECF/PDIM Uploads and NPR Extractions*	Review which documents are designated for the upload. Review the process for correcting exceptions included in the ECF extraction email.	*PSI Manual, Sections 9.M and 9.P *Pretrial Manual, Section 5.1, C *Supervision Manual, Section 19.15		
Copier/Scanner Use *See Task Sheet – Copier/Scanner Use and Ordering Supplies*	Demonstrate proper use. Review the scanner's one-touch feature, completing custom scans and editing pages by using Adobe Page Thumbnails and Tools. Demonstrate all photo copier functions. Provide tips for troubleshooting. Discuss process for requesting repair.	*Administrative Manual, Section 3.D		

Electronic Files, location of pre-PDIM II files, archived files, Pre-PACTS cards and Docushare documents *See Task Sheet – NCW Files and Document Retention*	Discuss the historical evolution of PDIM and where to locate old II files. Discuss the ongoing project of uploading all files (except active PSI investigations) to PDIM. Review how to order an archived file. Discuss the Policy for Disposal of Paper Records, the location of the old Pre-PACTS dispo cards and documents stored in Docushare Archive	*Pretrial Manual, Section 5.1, A *PSI Manual, Section 2.B *Clerical Website –Clerical Docs *Website-Shard Documents-Docushare Archive		
Sentencing Calendars *See Task Sheet – Court Calendars*	Discuss process, the primary point clerks and back-up responsibilities.	*PSI Manual, Section 9.K *Pretrial Manual, Section 5.6 *Supervision Manual, Section 19.1		
Sealed Cases/Documents *See Task Sheet – Sealed Cases and Documents*	Review policy.	*Pretrial Manual, Section D *PSI Manual, Section 9.Q *Supervision Manual, Section 19.37 *PACTS Guides, PSI Tab: <i>USSC Packet Transfer</i> and <i>USSC User Guide</i>		
Office Safety and Duress Alarms *See Task Sheet – Office Safety and Duress Alarms*	Review policy.	*Safety Manual, Sections 2.3, 2.4, 3.3, and Exhibit 1.1F		

Fire, Bomb Threats, Explosions, & Chemical, Biological or Nuclear Incidents *See Task Sheet – Fire, Bomb Threats, etc.*	Review policy.	*Safety Manual, Sections 3.1, 3.2, and 3.4		

TASK: Telephone Procedures**POLICY (Section):**

(Note: Designate National and District policy section)

District Administrative Manual 3.C-8 and 3.C-9

TACTICS/PROCEDURE:

Main Line: (Charlotte) – The probation technicians are primarily responsible for manning the reception area and main line. However, the clerks rotate duty on a weekly basis to assist with these duties when the probation technicians are unavailable (lunch, deliveries, court run, etc.).

Main Line: (Asheville, Hickory, and Statesville) – The clerk is responsible for manning the reception area and main line. However, the duty officer assists with these duties when the clerk is unavailable.

Proper Telephone Etiquette/Telephone Courtesy: The manner in which the telephone is answered provides an outstanding opportunity to project a positive image of our office to everyone who calls, including those under supervision. Every effort should be made to be courteous, responsive, polite, and helpful to others. When a person calls the main line, the clerk will answer the call by saying, “U.S. Probation Office, may I help you.” The clerk at all times will be pleasant, professional, and respectful when addressing the caller.

Screening Calls for the CUSPO: The clerk will make inquiries of the caller to determine if the case can be handled by a specific officer or SUSPO in a division.

General Phone Inquiries: The clerk will do their best to screen calls. Confidentiality is very important. If the clerk is uncomfortable with answering the caller’s questions, the clerk may transfer the call to the duty officer.

Unscheduled Court Appearance: When the clerk receives a phone call regarding an unscheduled court appearance, the clerk will respond immediately and contact either the assigned officer, duty officer or SUSPO.

Calls for Other Agencies: The clerk will routinely receive calls for state probation and/or bankruptcy court. If known, the clerk should give the caller the phone number for the agency.

Defendant/Offender Required by Officer to Call In: The clerk will transfer the call to the assigned officer. If the assigned officer is unavailable, the clerk will transfer the call to the duty officer or SUSPO. If the assigned officer, duty officer or SUSPO are unavailable, the clerk will take the caller’s name, chrono the call, and notify the officer.

Unknown Callers Requesting Information: If an unknown person calls the main line or any clerical extension and asks if a particular person is under supervision, the clerk is to take down the person's name, telephone number and the name of the person the inquiry is about. The clerk will refer the message to the assigned officer if the person is under supervision. If the person is not under supervision, refer the message to the duty officer or a SUSPO. One of these officers will return the call to determine the reason for the request and whether the release of information is authorized. This process will protect the officer and/or defendant/offender from breaches of confidentiality and potential danger.

Calls from Victims: If a victim calls the main line with questions during the presentence investigation process, refer the caller to the assigned PSI officer. If a victim calls the main line with questions after the defendant has been sentenced, refer the caller to the assigned supervision officer.

Sealed Cases: If a person calls the main line or any clerical extension requesting information about a sealed case, the clerk will not give out any information. The clerk will chrono the call and notify the SUSPO.

WITSEC Cases: No information regarding the WITSEC program should be relayed to any person that calls. The clerk/probation tech shall not give out the officer's name involved or any information indicating a program exists. If someone calls requesting information, the clerk is to take down the person's name, telephone number and advise the caller that someone will call them back. The clerk will refer the message to Sr. USPO Tim Goodman, or SUSPO Jim Kent if Sr. USPO Goodman is unavailable. **The clerk/probation tech shall NOT give out Sr. USPO Goodman's name or contact information to anyone that calls.**

Acknowledgment:

The above task was explained and demonstrated by the Clerical Trainer (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Defendant/Offender and Other Visitor Contacts**POLICY (Section):**

(Note: Designate National and District policy section)

District Administrative Manual, Sections 3.C-10, 3.C-11, and 7.A-1

District Safety Manual, Section 2.1

District Internal Controls Manual (ICM), Section H (*Drug and Mental Health*), (1)f.

TACTICS/PROCEDURE:

Greetings: As a representative of the U.S. Probation Office, the clerk/ probation tech will be pleasant, professional, and respectful when addressing a defendant/offender or other visitor. Ask the individual for their name and the purpose of their visit.

Sign-In Books: The front desk is responsible for maintaining the following books (if applicable to office): Defendant/Offender Sign-In (book/daily sheet), Visitor Log, MRT Sign-In Book, and Parking Validation Log.

Defendant/Offender Office Contacts: The clerk/probation tech will ask the D/O for their name and the name of their assigned officer. Inquire to find out if the D/O has a scheduled visit with the officer. If the D/O has a scheduled visit, notify the officer of the D/O's arrival. If the D/O does not have a scheduled visit and the officer is available, advise the officer that the D/O wishes to see them. If the officer is not available, take the D/O's name/information and notify the officer via email, telephone, etc. If the D/O requires immediate attention, the clerk shall contact the duty officer.

Defendants/Offenders in Secured Space: Officers are the only individuals authorized to escort clients in the secured space. D/Os are to be screened before entering the secured space. Clerks/probation techs/interns are **not** authorized to escort MRT clients to the conference room.

Identification for Visitors and/or Contractors: The front desk clerk/probation tech is responsible for maintaining a visitor log and issuing ID badges. With the exception of properly identified security and building maintenance in the Charlotte office, no person is allowed in the secured space unescorted or without an ID badge. Additionally, only law enforcement in the Charlotte office will have a specifically designated Law Enforcement badge. All visitors in the Charlotte, Statesville and Hickory Offices should be wearing ID badges when in the secured space. ID badges will not be required in Asheville as visitors are screened by the Court Security Officers upon entering the courthouse. The clerk/probation tech should advise the visitor that badges need to be worn so they are easily visible and not stuck in pockets. Badge's and the Visitor's Log can be accessed in the Forms and Policies section of the website.

Parking Validation Log (Charlotte): The Parking Validation Log is located at the receptionist desk. This log must be filled out every time parking is validated. The following individuals are the only staff members authorized to validate parking: *Greg Forest, Keith Snyder, Lisa Morris, and Jim Kent*. The individual who approved the parking will stamp the visitor's parking voucher and fill the voucher out completely. The log is to be filled out with the following information: Date, Name/Reason for Validation, Time (duration) and the officer's name who provided authorization.

With the exception of D/Os who are in the Evidence Based Practices Offender Program (MRT), parking is **not** validated for defendant/offenders. The following process is followed for D/Os in the MRT program: *The facilitator conducting the class will complete the MRT parking validation log for each D/O, clearly stating the name of the D/O, the purpose and the duration. The facilitator will place the validation stamp on the D/O's parking voucher and endorse with the facilitator's name and the DCUSPO's name (i.e., Brian Hopkins for Deputy Chief U.S. Probation Officer Lisa Morris). The facilitator will circle MRT on the parking validation stamp. The parking validation logs and parking validation must also include the D/O's PACTS number.*

Office Arrests: If the D/O arrives prior to the USM, the clerk/probation tech should be discrete not to alert the D/O of the USM's arrival.

Acknowledgment:

The above task was explained and demonstrated by the Clerical Trainer (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: General Office Mail Procedures**POLICY (Section):**

(Note: Designate National and District policy section)

District Safety Manual, Section 2.2

Guide to Judiciary Policy, Volume 8, Part G: Criminal Monetary Penalties (Monograph 114), § 630.

TACTICS/PROCEDURE:

Incoming Mail: All employees should be observant of mail deliveries to the office and should be cautious when examining incoming mail. Suspect mail can include bombs, hazardous material, or threatening communication. Each divisional office will have an area dedicated to opening the mail. *(Note – Based on clerical assignment, the Clerical Trainer will review specific unit procedures with the trainee.)*

- 1) All mail received must be date stamped.
- 2) Envelopes are to be attached on all mail correspondences.
- 3) Do not open any mail marked confidential, mail from the AO, mail addressed to Human Resources, or intra-office mail addressed to a specific individual.
- 4) The district does not collect money for restitution, fines, etc. from offenders. The clerk's office is the official record keeper of criminal monetary payments.
 - a. If funds are received, the check must be logged in and forwarded to the clerk's office. The clerk should notify the assigned officer who will direct the D/O to mail funds directly to the clerk's office.
 - b. If cash is received, the cash must be logged in and placed in a locked box until delivered to the clerk's office. The clerk will the envelope for record purposes and notify the assigned officer who will direct the D/O to mail funds directly to the clerk's office.

Outgoing Mail: The clerk should make reasonable efforts to have intra-office bulk mail hand-delivered (cost saving effort). Files should be mailed only as a last alternative via USP CampusShip. All outgoing mail must be metered. The clerk must have a 4-digit code to operate the postage meter. *(Note – Based on clerical assignment, the Clerical Trainer will review specific unit procedures with the trainee.)*

Mailing UAs: The clerk will package (if applicable) to UA, log the tracking number and mail via USP CampusShip.

Courthouse Run (Asheville and Charlotte): The probation tech or the duty clerk is responsible for the daily courthouse run.

- Charlotte Office: The duty clerk or tech will pull the outgoing district court mail

from the designated box located in the main mailroom and will hand deliver to the Clerk's Office. The clerk or tech will then retrieve incoming probation mail from the designated box located in clerk's office lobby. (The most common retrieved court mail includes: discovery discs from the U.S. Attorney's Office, filed court documents such as Transfers of Jurisdictions and various correspondence from the U.S. Marshal's Office and from the Federal Defender's Office.) The clerk or tech will distribute the incoming mail by placing in the appropriate division's mailbox in the main mailroom.

DOCUMENTATION:

- 1) Review *Suspicious and Unknown Mail/Package Training* video (to locate the video on the website, see *Team Sites > Safety > Safety Links*).
- 2) Review policy.
- 3) Review the USPS Poster # 84 "Suspicious Mail or Packages" posted in your office.

Acknowledgment:

The above task was explained and demonstrated by the Clerical Trainer (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Automated ECF/PDIM Uploads and NPR Extractions

POLICY (Section):

(Note: Designate National and District policy section)

District Presentence Manual, Section 9.M (*Purge/PDIM Update*) and 9.P (*PSI Data Quality*)

District Pretrial Manual, Section 5.1, C (*Opening a Pretrial Case*)

District Supervision Manual, Section 19.15 (*Scanning and PDIM*)

TACTICS/PROCEDURE:

PDIM Uploads:

On April 1, 2008, a the PACTS Document Imaging Management (PDIM) electronic case file was implemented requiring the scanning and uploading to PACTS of selected case file documents. All documents must be converted to PDF format prior to uploading to PDIM.

Review the following PDIM Cheat Sheets for a list of documents requiring PDIM upload by division. The documents are located on the *PACTS Guides* web page under the *PDIM* tab.

- Pretrial: PDIM – PTS Cheat Sheet
- Presentence: PDIM – PSI Cheat Sheet
- Post-Conviction: PDIM – PC Cheat Sheet

NPR (*National PACTS Reporting*) Extractions (Pretrial and Supervision):

The National PACTS Reporting (NPR) Extraction collects PACTS data to meet requirements for cost accounting and research. To support this effort, PACTS districts are required to run the NPR extraction process by the 20th of each month. The process also involves making trial extraction runs to identify and fix errors in the data before making the actual extraction.

An NPR Log Report is emailed to clerks on a monthly basis. The report provides a list of any errors found in the data extraction with a hyperlink to the PACTS number and a description of the error. The clerks are responsible for reviewing the list and correcting any errors for their units (For additional information, see PACTS Data Entry How-To Documents, *NPR Extraction*.”)

ECF2PACTS Extractions:

An ECF2PACTS extraction report provides 1) information on ECF documents that were automatically uploaded to PDIM, and 2) information on ECF documents that failed to automatically upload to PDIM. If there is a delay of entering the defendant into PACTS or data entry is incorrect, the ECF document will not automatically upload. The system will attempt to automatically upload the document for 14 days. If the issue is not corrected within the 14-day timeframe, the system will discontinue the upload attempt and remove the defendant’s name/data from the report.

An ECF2PACTS extraction report is emailed to all clerks on a daily basis. The clerk is responsible for reviewing the list to see if it pertains to their division, correcting the problem and monitoring the list to verify the automatic upload occurred. If the automatic upload did not occur within the 14-day timeframe, the clerk is responsible for manually uploading the document to ECF. The PACTS court name and ECF court name, as well as the docket numbers in ECF and PACTS must mirror each other (*exception: a Magistrate docket number is listed as "MJ" in ECF and "M" in PACTS*).

Acknowledgment:

The above task was explained and demonstrated by the Clerical Trainer (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Copier/Scanner Use and Ordering Supplies**POLICY (Section):**

(Note: Designate National and District policy section)

District Administrative Manual, Section 3.D

TACTICS/PROCEDURE:Copier/Scanner Use:

The clerk is responsible for:

1. Checking equipment periodically throughout the day for faxes that need to be distributed.
2. Monitoring equipment and supplies.
3. Submitting requests for repairs or supplies to the Budget/Procurement Specialist.

The clerical trainer for the assigned unit will review and demonstrate copy/scanner procedures with the trainee.

Ordering Supplies:

The majority of forms and general office supplies are ordered on a semi-annual basis (April and October). One clerk in each office/unit is designated and responsible for submitting a request for supplies every three months for the Budget/Procurement Specialist to order.

Acknowledgment:

The above task was explained and demonstrated by the Clerical Trainer (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: NCW Files and Document Retention**POLICY (Section):**

(Note: Designate National and District policy section)

District Pretrial Manual, Section 5.1, A (*Opening/Assigning Pretrial Cases - ARCIS*)

District Presentence Manual, Section 2.B (*Archive Files/Documents*)

TACTICS/PROCEDURE:

If an officer requests assistance from the clerk in obtaining a document or case file that is not archived in PACTS Document Imaging (PDIM) or Shared Documents (on the website), the clerk will use the following as a tool in locating the information:

Archived Files (FRC):

If the supervision case was closed before 10/1/2008, the case file should have been sent to FRC in Atlanta by the applicable docketed office (Asheville, Charlotte, Statesville). FRC retains the file for a period of 20 years. Every case file sent to FRC was issued an accession and box numbers. These numbers are required when requesting the file from FRC and each of the three offices, Asheville, Charlotte and Statesville, maintain a master archive list which includes the date the files were sent to FRC and their assigned accession and box numbers.

Bail Reports:

If the conviction or revocation occurred on or after 4/1/2008, all relevant PSI or supervision documents should be uploaded in PACTS Document Imaging (PDIM) following sentencing and the file destroyed. If the conviction or revocation occurred prior to 4/1/2008 and the defendant is serving a BOP term, the PSI or Supervision file may be stored in the applicable docketed office (Asheville, Charlotte, Statesville) (II section). However, our district is in the process of uploading these files to PDIM and therefore it may be possible the physical file has been destroyed following the upload to PDIM.

Closed Supervision Files:

If the supervision case was closed on 10/1/2008 or later, all relevant PSI and supervision documents should be uploaded to PDIM. If the supervision case was closed prior to 10/1/2008 and there is no upload to PDIM, relevant case documents and court files may be found in Docushare. Docushare stores these supervision documents in the order of the year supervision was closed, ranging from 1970 to 2007. The case file may also be stored in FRC (see below).

II Dispo Cards:

Cases closed prior to 1995 may not be found in PACTS. Disposition of these cases may be found on II Dispo Cards. These "cards" are stored in the applicable docketed offices (Asheville, Charlotte, and Statesville).

PSIs:

As noted above, if the conviction occurred on or after 4/1/2008, the PSI and Sentence Recommendation should be in PDIM. If the conviction occurred prior to 4/1/2008, the PSI may be found in Docushare. Docushare stores PSIs in the order of the docket year, ranging from 1980 to 2012. The formatting of these reports may be off as they were automatically converted from WordPerfect to Word. If the PSI cannot be found in Docushare, the report may have been saved onto a disc ("O Drive Discs"). The PSI Admin Support Specialist has access to these four discs which contains reports completed from approximately 1980 to 2001 and are in PACTS' number order.

PSI Files and Revocations with TSR to Follow:

If the conviction or revocation occurred on or after 4/1/2008, all relevant PSI or supervision documents should be uploaded in PACTS Document Imaging (PDIM) following sentencing and the file destroyed. If the conviction or revocation occurred prior to 4/1/2008 and the defendant is serving a BOP term, the PSI or Supervision file may be stored in the applicable docketed office (Asheville, Charlotte, Statesville) (II section). However, our district is in the process of uploading these files to PDIM and therefore it may be possible the physical file has been destroyed following the upload to PDIM.

Transferred Supervision Files:

If supervision was transferred on 10/1/2008 or later, all relevant PSI and supervision documents should be uploaded to PDIM. If supervision was transferred before 10/1/2008, relevant case file documents may be found in Docushare. Docushare stores these documents in the order of the year supervision was transferred, ranging from 1980-2007.

Acknowledgment:

The above task was explained and demonstrated by the Clerical Trainer (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Court Calendars**POLICY (Section):**

(Note: Designate National and District policy section)

District Presentence Manual, Section 9

District Pretrial Manual, Section 5.6

District Supervision Manual, Section 19.1

TACTICS/PROCEDURE:

Designated clerks in the district are dubbed “gatekeepers” and monitor their respective District Court and Magistrate calendars.

District Court calendars:

When an ECF calendar “hot link” arrives initially via email, the gatekeeper will:

1. Print the calendar(s);
2. Record the officer’s initials by each defendant’s name listed;
3. Note at the top of the calendar *1st Notice*; and,
4. Distribute the calendar to all offices for further distribution.

When each office/unit receives the initialed calendar, it is the unit clerk’s responsibility to distribute a copy to the officers in their respective unit (*note – each office has a distribution policy set in place*).

The above procedure is repeated one week prior to the court date (note at the top of the calendar *1-Week Notice*) and again 24 hours prior to the court date (note at the top of the calendar *1-Day Notice*), for a total of three (3) distributions per calendar.

Magistrate Court calendars:

(Asheville) – Prior to the close of every business day, the clerk will:

1. Review the daily court calendar (*click on Asheville’s yearly ECF Magistrate calendar “hot link”*);
2. Notify all officers of upcoming hearings.

(Charlotte) – Prior to the close of every business day, the clerk will:

1. Review the daily court calendar (*click on Charlotte’s weekly ECF Magistrate calendar “hot link,” which arrives via email on a bi-weekly basis*);
2. Print a copy of the calendar;
3. Create case files for any Initial Appearances scheduled; and,
4. Notify court officer.

Acknowledgment:

The above task was explained and demonstrated by the Clerical Trainer (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer’s satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Sealed Cases and Documents**POLICY (Section):**

(Note: Designate National and District policy section)

District Pretrial Manual, Clerical Section D *Sealed Cases*

District Presentence Manual, Clerical Section 9Q *Quick Guide to Sealed Documents and Cases*.

District Supervision Manual, Clerical Section 19.37 *Sealed Cases*

PACTS Guides, PSI Tab: *USSC Packet Transfer* and *USSC User Guide*

TACTICS/PROCEDURE:

The clerk/probation tech should be aware of the differences between sealed cases and single sealed documents. Sealed cases are defined as only those cases fully sealed in ECF. Cases that are marked as *sealed* in ECF will be marked as *sealed* in PACTS. All documents and chronos in PACTS will appear in *red*. No information shall be disclosed on SEALED cases.

Single sealed documents are defined as single documents sealed in ECF (complaint, indictment, etc.). Single documents that are sealed in ECF will be marked as *sealed* in PACTS (*Note - The entire case will **not** be listed as sealed*). Only those documents that are sealed in PACTS will appear in *red*.

PRETRIAL:**Cases Involving a Single Sealed Document such as the Indictment, Plea Agreement, Rule 35:**

- Seal the document in PDIM

Cases Sealed in ECF and Juvenile Cases:

- The case is sealed in PACTS.
- Do Not Send Prob 14s.
- In the instance where a defendant's sealed case is closed in PACTS and that defendant re-offends and the new case is not sealed, the PACTS' client record will still reveal the defendant as "SEALED".
- Cases that are sealed in PACTS will not be revealed in the PACTS National
- Offenders/Defender Search (NODS) by Name (other defendant identifiers must be used in order to conduct a national PACTS search).

Documents pertaining to the Defendant/Offender's HIV/AIDS status should be uploaded to PDIM as Sealed. The HIV "Confidential Information Release Authorization" form should be uploaded to PACTS as a sealed document. Officers are permitted to use the confidential chronological record in PACTS to record information about an offender's HIV/AIDS diagnosis, treatment, or condition. *SOSO Manual, Exhibit 5*.

If the case is unsealed in ECF, the clerk will update the Case Defendant or Intake Screen in PACTS to unsealed.

By the 7th of each month, the clerk will run the Sealed Cases Report in PACTS and verify through ECF the sealed status of each case/documents. If the case/documents have been unsealed in ECF, update the status in PACTS and notify via email the appropriate PSI Clerk if a presentence has not been assigned or the assigned PSI officer if it is post plea or verdict.

Once the ECF case is unsealed and if the defendant is released on bond, the clerk will immediately enter a supervision record in ATLAS SRF excluding PTD, Misdemeanor B, or petty cases. (See ATLAS section in SOSO manual as well as handbook and reference materials issued by ATLAS TAC for further instructions.)

PRESENTENCE and POST CONVICTION:

Cases Involving a Single Sealed Document such as the Indictment, Plea Agreement, Rule 35:

- Seal the document in PDIM
- Prob 14s can be prepared
- Drafts and Finals are filed in ECF
- Documents are submitted electronically through E-Designate. A note will be added in the Add Notes - "Caution - (*name the document*) is Sealed"
- Documents are submitted electronically to USSC. A note will be added - "Caution - (*name the document*) is Sealed"

Cases Sealed in ECF and Juvenile Cases:

- The case is sealed in PACTS
- Do Not Send Prob 14s
- Drafts and Finals **are** filed in ECF. Juvenile cases are not filed, but are hand-delivered
- Documents **are** submitted electronically through E-Designate. Juvenile cases are not submitted electronically but are mailed to: Designation and Sentence Computation Center, Attn: Charlie Team, Grand Prairie Office Complex, U.S. Armed Forces Reserve Complex, 346 Marine Forces Drive, Grand Prairie, TX 75051. A chrono will be made stating when the documents were mailed – *See District Presentence Manual, Section 8.M*
- Send only the Judgment and SOR to USSC. A chrono will be made detailing what documents were sent.
- In the instance where a defendant's sealed case is closed in PACTS and that defendant re-offends and the new case is not sealed, the PACTS' client record will still reveal the defendant as "SEALED".
- Cases that are sealed in PACTS will not be revealed in the PACTS National Offenders/Defender Search (NODS) by Name (other defendant identifiers must

be used in order to conduct a national PACTS search).

Documents pertaining to the Defendant/Offender's HIV/AIDS status should be uploaded to PDIM as Sealed. The HIV "Confidential Information Release Authorization" form should be uploaded to PACTS as a sealed document. Officers are permitted to use the confidential chronological record in PACTS to record information about an offender's HIV/AIDS diagnosis, treatment, or condition. *SOSO Manual, Exhibit 5.*

Acknowledgment:

The above task was explained and demonstrated by the Clerical Trainer (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____

TASK: Office Safety and Duress Alarms**POLICY (Section):**

(Note: Designate National and District policy section)

District Safety Manual, Sections 2.3 *Office Safety*, 2.4 *Duress Alarms*, Exhibit 1.1F *BB&T Building Emergency Information*, 3.3 *Medical Emergencies*

TACTICS/PROCEDURE:Threatening Confrontations:

- If a clerk/probation tech becomes aware of a potential threat to the safety of themselves or other employees they are required to report it immediately.
- If a clerk/probation tech is confronted with a threat, they should attempt to speak loudly and use the code words **“TOM GAHL”**. This code should be recognized by other staff as an emergency code indicating a serious threat. Other officers should respond immediately to assist with the threat.
- If a clerk/probation tech deems a threat to be immediate, he/she should press the duress alarm, if applicable. This alarm will summons the U.S. Marshal's Service and/or building security.

Medical Emergencies:

- If someone requires immediate medical attention, the clerk/probation tech will contact 911 for assistance. The clerk/probation tech should identify themselves and their location and explain the medical situation.
- Charlotte: In addition to the above information, the clerk/probation tech will notify BB&T Building Security.

Duress Alarms:

- Duress alarms should be activated if the clerk/probation tech perceives a threat of physical injury to themselves or another employee, or if office visitors appear combative.
- Duress alarms are located in all of the district office (review office maps for location of duress alarms):
 - **Asheville:** Duress buttons are located in each officer and clerk space. The majority are attached underneath desks or credenzas with several attached directly to the wall. There is no duress button in the UA bathroom or the conference room. Presently MRT is being held in the main lobby which contains no duress button, however, there are buttons underneath the counters at each clerk's window. The U.S. Marshal's Service and Court Security Officers will respond immediately to the area of the activated alarm.
 - **Charlotte:** The clerk/probation tech should review the BB&T Building Emergency Information (Ex 1.1F) located in the District Safety Manual for

	<p>procedures regarding duress alarms in the Charlotte BB&T office. ADT and the BB&T Building Security will respond accordingly to the location of the alarm. Duress buttons are located in each of the interview rooms outside of the secure space, at the reception desk, on the wall in both UA bathrooms, on the table in the back of the UA supply room, in Amanda Martin's Office and in each of the presentence interview rooms on either side of the presentence mailroom. The buttons are currently on the floor in the presentence interview rooms. There is no button in the small conference room where MRT is held and one would be beneficial. No duress buttons are located on the 16th floor.</p> <ul style="list-style-type: none">○ Statesville: Duress buttons are located in each staff member's space, either attached to the desk or credenza except in Janie's Office where it is sitting on the top of the credenza. Additionally, one is mounted on the wall in the UA bathroom and one located on the desk in the interview rooms, including the interview room outside of the secured space. The U.S. Marshal's Service and Court Security Officers will respond immediately to the area of the activated alarm. If the panic button is pushed by mistake, please call the court security office at 704-872-0538.○ Hickory: The duress buttons in the Hickory Office are portable and one is assigned to each staff member. There are two extra buttons, one in the clerical area and one beside the phone in the Chief's Hickory Office. These are available for use in the conference room during MRT or otherwise. ADT will respond and notify the Hickory Police Department if needed.○ Bryson City: Emergency buttons are mounted in Mark Corbin's Office, the UA bathroom and the interview room. Alarms are also attached to the interview room desk, Debbie Bryson's desk and Mark Corbin's desk. ADT will respond and notify the Swain County Sheriff's Department if needed.
	<p>Acknowledgment:</p> <p>The above task was explained and demonstrated by the Clerical Trainer (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:</p> <p>Trainee: _____</p> <p>FTO/Designated Trainer: _____</p> <p>Date: _____</p>

TASK: Fire, Bomb Threats, Explosions, & Chemical, Biological, Radiological or Nuclear Incidents

POLICY (Section):

(Note: Designate National and District policy section)

District Safety Manual, Section 3.1 *Reporting a Fire*, 3.2 *Bomb Threats and Explosions*, 3.4 *Chemical, Biological, Radiological, and Nuclear Incidents*.

TACTICS/PROCEDURE:

In the event of a fire, bomb threat, explosion, or any other threatening situation (ex: shooting), employees should exit the building and report to the Designated Assembly Area (DAA) after determining it is safe to do so. The following are Designated Assembly Areas for each office location:

Office Location	Designated Assembly Area
Charlotte BB&T Building	Clock tower at corner of South College Street and 3 rd Street
Asheville	Wall Street Parking Garage EXIT (intersection of Battery Park Avenue and Page Avenue directly in front of the courthouse)
Statesville	In front parking lot of the Allstate Building, 1310 Davie Avenue
Hickory	In front of the Armory Building, 201 Government Avenue, SW
Bryson City	Bryson City Police Department

Fire:

- The clerk/probation tech should be aware of the location of all fire alarms and/or fire extinguishers in their office. The alarm will signal the immediate evacuation of the building and automatically notify the local fire department.
- Hickory Office: Report a fire by dialing 911.
- If possible, use available fire extinguishers to extinguish or contain the fire
- Evacuate the building and report to the Designated Assembly Area.
Charlotte: Follow instructions listed in the evacuation plan (Exhibit 1.1F).

Bomb Threats and Explosions:

The clerk/probation tech should make a copy of the Bomb Threat Report Form (Exhibit 3.2A) and place it under their telephone. If a clerk/probation tech receives a bomb threat, they should attempt to obtain as much information as possible from the caller. The information is invaluable in determining the validity, urgency, and nature of the threat and in determining what action is appropriate in response to the threat.

As soon as possible, the clerk/probation tech should record the exact words the caller used regarding the location and expected detonation of the explosives. The person making the threatening call could reveal enough information about himself/herself so that the recipient of the call could later identify the caller.

The following are guidelines and suggestions to use when receiving a threatening call:

- Be calm; be courteous; listen; do not interrupt the caller; jot down notes on any paper available; preferably on the Bomb Threat Report Form (Exhibit 3.2A).
- Try to keep the caller on the line as long as possible in order to obtain as much information or characteristic comments or accents as possible. Pretending to have a bad connection can help accomplish this goal.
- Ask the caller to repeat the message. Attempt to ascertain the type of device, what it looks like, where it's located, what time it will go off, etc.
- Pay particular attention for any strange or peculiar background noises, such as a motor running, background music, train whistle, sirens, jet airplanes, and any other noises which might provide clues as to the place from which the call was being made.
- Listen to the voice (male/female) (young/mature) for voice quality, accents, speech impediments, or words/phrases used repeatedly.
- If time permits and the caller is talkative, ask questions such as "Who is this calling, please?" Or "What is your name?" In some instances, the caller may unthinkingly reply with his name.

Upon receipt of a bomb threat:

- Immediately dial 911 - Immediately identify yourself and your exact location and relay the bomb threat to the emergency operator.
- In the Charlotte, Statesville, Asheville, and Bryson City Courthouses, contact the U.S. Marshal's Service.
- In the Charlotte BB&T Building contact BB&T Building Security and the Charlotte/Mecklenburg Police Department.
- In the Hickory office, contact the Hickory Police Department.
- Notify your immediate supervisor that you have received a threatening phone call and have already notified 911 and the appropriate law enforcement agency.
- Immediately complete the Bomb Threat Checklist as completely and as accurately as possible.
- Evacuate the building and report to the Designated Assembly Area.

Explosions:

- If there is an explosion, take immediate cover under a desk, table, or some other object that will provide protection against flying glass and debris.
- As soon as possible dial 911 and other emergency agencies as outlined under "Upon Receipt - Bomb Threat Procedures".
- Assess other employees or visitors for possible injuries and assist with first aid where needed.
- Evacuate the building and report to the Designated Assembly Area (section 3.F) immediately.

Chemical, Biological, Radiological, and Nuclear Incidents:

- Response to an incident involving the use of chemical, biological, radiological, or nuclear weapons, often referred to as Weapons of Mass Destruction (WMD), is much different than the conventional fire alarm. Depending on the agent used and where it is deployed, it is sometimes better to remain within the building, often referred to as the shelter-in-place.
- In the case of a suspected weapon of mass destruction incident, occupants should take the following action:
 - Immediately dial 911 and notify the appropriate emergency agencies (USMS, BBT Security, etc.).
 - Do not activate the fire alarm.
 - The highest ranking agency official shall be responsible for accounting for all personnel.
 - All personnel should wait until further instructions from emergency personnel.

Acknowledgment:

The above task was explained and demonstrated by the Clerical Trainer (or other designated person); practiced and demonstrated by the trainee; and, successfully completed to the trainer's satisfaction on this date:

Trainee: _____

FTO/Designated Trainer: _____

Date: _____